

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

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Washington, Friday, August 7, 1959

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Foreign Operations Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (g) of § 6.149 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F.R. Doc. 59-6528; Filed, Aug. 6, 1959; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 958—IRISH POTATOES GROWN IN COLORADO

##### Limitation of Shipments, Area No. 3

**Findings.** (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C.

1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, (4) this amendment relieves restrictions on the handling of potatoes in Area No. 3, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

**Order, as amended.** Paragraph (b) of § 958.330 (24 F.R. 5711) is hereby amended to read as follows:

(b) *Minimum maturity requirements—*  
(1) *Round white varieties.* "Moderately skinned".

(2) *All other varieties.* "Slightly skinned".

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 4, 1959.

FLOYD F. HEDLUND,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6535; Filed, Aug. 6, 1959; 8:51 a.m.]

#### PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

##### Approval of Expenses of Date Administrative Committee for 1959-60 Crop Year and Fixing Rate of Assessment for Such Crop Year

Notice was published in the July 21, 1959, issue of the FEDERAL REGISTER (24 F.R. 5809), that consideration was being given to the approval of expenses of the

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Date Administrative Committee for the 1959-60 crop year and the fixing of a rate of assessment for that year, in accordance with the recommendations of the committee. Such actions would be pursuant to the provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). In said notice, interested persons were afforded the opportunity to file written data, views or arguments with respect to the proposals. No such comment was received within the prescribed time.

After consideration of all relevant matters presented (including the aforesaid notice, the information and recommendation submitted by the committee, and other available information) it is hereby found and determined and, therefore, ordered, that the expenses of the Date Administrative Committee and the rate of assessment for the crop year beginning August 1, 1959, shall be as follows:

**§ 1003.304 Expenses of the Date Administrative Committee and rate of assessment for the 1959-60 crop year.**

(a) *Expenses.* Expenses in the amount of \$39,735 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundred-weight of dates which he handles or has certified for handling or for further processing during the crop year begin-

ning August 1, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The handling or certification of dates occurs from the beginning of a crop year; (2) under the amended marketing agreement and order the assessment applies to all dates handled or certified for handling or for further processing during a crop year, and the 1959-60 crop year begins August 1, 1959; (3) the rate of assessment fixed hereby should be effective as soon as possible after July 31, 1959, to enable the Date Administrative Committee to bill handlers for, and for the handlers to pay, their assessments currently as the dates are so handled or certified and thus minimize the quantity of dates on which the assessments would accumulate for payment in the future; (4) the aforesaid notice was issued as soon as crop forecasts and other information were available on which reasonable estimates of the committee's expenses and a rate of assessment could be determined and fixed; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) in these circumstances, postponing the effective date hereof beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 4, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,  
Director,

*Fruit and Vegetable Division.*

[F.R. Doc. 59-6511; Filed, Aug. 6, 1959; 8:47 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter II—Office of Alien Property, Department of Justice

#### PART 502—RULES OF PROCEDURE FOR CLAIMS

##### Miscellaneous Amendments

Part 502 of this chapter sets forth the rules of procedure of the Office of Alien Property applicable to claims under sections 9(a), 32 and 34 of the Trading With the Enemy Act, as amended (50 U.S.C. App. 1 et seq.) and under sections 207 and 208 of the International Claims Settlement Act of 1949, as amended (22 U.S.C. 1631). Incident to reorganizational changes in the functions of the Office of Alien Property made as of July 1, 1959, Part 502 was republished with amendments (24 F.R. 5525, July 9, 1959). Through inadvertence the following errors appear in this republication of the rules:

(1) Section 502.1(a) should refer to §§ 502.1 through 502.31 rather than to §§ 502.2 through 502.32,

(2) Section 502.2(e) should read in form published April 17, 1957 (22 F.R. 2656) rather than as republished,

(3) Section 502.21 should refer to the Chief of the Trial Section rather than to the Chief of the Claims Administration Section, and

(4) Section 502.202(c) should state that the Chief of the Claims Administration Section may refer claims described therein to the Chief of the Trial Section rather than that he shall do so.

Since necessary corrective amendments are procedural, neither notice nor hearing thereon is required by statute. Accordingly, these sections are hereby amended to read as set forth below:

##### § 502.1 [Amendment]

1. Section 502.1(a) is hereby amended to read as follows:

(a) Sections 502.1 to 502.31 shall be applicable solely to title and debt claims.

##### § 502.2 [Amendment]

2. Section 502.2(e) is hereby amended to read as follows:

(e) The term "title claim" means a claim under section 9(a) of the Trading With the Enemy Act, as amended, filed more than two years after the date of vesting in or transfer to the Alien Property Custodian or Attorney General of the property or interest in respect of which the claim is made, or a claim under section 32 of that Act, as amended, or under section 207(b) of the International Claims Settlement Act of 1949, as amended.

3. Section 502.21 is hereby amended to read as follows:

##### § 502.21 Proposed findings and conclusions.

At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time to be fixed by him. As far as practicable the procedure shall be followed of having claimant's brief filed first followed by the brief of the Chief of the Trial Section with any reply briefs filed in the same order.

##### § 502.202 [Amendment]

4. Section 502.202(c) is hereby amended to read as follows:

(c) Where the Chief of the Claims Administration Section concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, he may refer the claim to the Chief of the Trial Section and the latter shall docket it for hearing. At such hearing any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the pro-

visions of § 502.5. The recommended decision of a Hearing Examiner with respect to the claim is subject to review in accordance with the provisions of § 502.23.

(40 Stat. 411, as amended, 69 Stat. 562; 50 U.S.C. App. 1-40; E.O. 9193, July 6, 1942, 7. F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, Oct. 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp.; E.O. 10644, Nov. 7, 1955, 20 F.R. 8363, 3 CFR, 1955 Supp.)

Executed at Washington, D.C., on July 29, 1959.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director, Office of Alien  
Property.

[F.R. Doc. 59-6518; Filed, Aug. 6, 1959;  
8:48 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

#### SUBCHAPTER F—REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

#### PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

##### Supervision of Mortgagor; Revocation

Section 261.10 is revoked as follows:

##### § 261.10 Supervision of mortgagor. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., August 4, 1959.

C. B. SWEET,  
Acting Federal Housing Commissioner.

[F.R. Doc. 59-6521; Filed, Aug. 6, 1959;  
8:49 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER C—MILITARY PERSONNEL

#### PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

##### Miscellaneous Amendments

The following miscellaneous amendments to this Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

##### § 56.3-2 [Amendment]

1. Section 56.3-2(e) has been revised to implement properly DD Form 1251,

"Medicare Permit", by changing the word "certificate" to "permit". Paragraph (e), as amended, now reads as follows:

(e) In lieu of the restrictions described in paragraphs (c) and (d) of this section, the Secretary of Defense may specify a date as of which the restrictions described below will be effective. On and after the specified date, a restriction on freedom of choice shall be effective as to dependents in continental United States, Puerto Rico, Hawaii, and Alaska, who are eligible for civilian medical care, who reside with their sponsors, or in an area to which their sponsor is assigned, who require care authorized under this part from civilian sources but have not commenced receiving such care from civilian sources on the aforesaid specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), and who reside in an area where adequate medical facilities of a uniformed service are available for such dependents. No restriction on freedom of choice will be imposed on such dependents residing in areas where adequate medical facilities of a uniformed service are not available. However, in order that the restriction may be appropriately administered, each dependent who resides with the sponsor, or in an area to which the sponsor is assigned, and who requires care authorized under this part from civilian sources but has not commenced receiving such care from civilian sources on the specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), will be required to contact a uniformed services installation. For those residing in areas where an adequate medical facility of a uniformed service is not available, DD Form 1251, "Medicare Permit", authorizing care from civilian sources at Government expense will be issued. Such a permit may also be issued to a dependent residing with the sponsor, or residing in an area to which the sponsor is assigned, where adequate medical facilities of a uniformed service are normally available if it is found that the uniformed services medical facility involved temporarily lacks capacity to care for that dependent. The permit, issued in the manner described above, shall be evidence of entitlement of the dependent to care authorized under this Directive from civilian sources at Government expense. In determining whether a dependent covered under this paragraph is residing in an area where adequate medical facilities of a uniformed service are available, the criteria outlined in paragraphs (c) and (d) of this section shall apply. Detailed procedures concerning the format of the permit and the manner in which it is to be issued may be set forth in the Joint Regulations. Spouses and children are considered to be residing with their sponsor if they reside in the area to which the sponsor is assigned, in the area of his permanent duty sta-

tion, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the area to which he is assigned, the permanent duty station or his home port or home yard respectively or by reason of the sponsor's absence on individual temporary duty or temporary additional duty order.

2. Section 56.3-3 also has been revised to implement properly DD Form 1251, "Medicare Permit". Section 56.3-3, as amended, now reads as follows:

##### § 56.3-3 Exceptions; emergency care and other circumstances.

(a) Any restrictions on freedom of choice and the requirement for the permit described in § 56.3-2(e) shall be waived:

(1) When circumstances indicate that it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e.g. serious injury following an accident or illness or sudden onset requiring immediate treatment authorized to be obtained from civilian sources at the nearest available medical facility to preserve life, health, or to prevent undue suffering; or

(2) During the period of absence on a trip of the eligible dependent from the area to which the sponsor is assigned. This exception is not to be used to circumvent the restrictions imposed on freedom of choice.

(b) Additionally, the restrictions initially imposed by the Secretary of Defense on a specified date pursuant to § 56.3-2(e) and the requirement for a permit described therein shall be waived with regard to any eligible dependent who has commenced receiving care authorized under this Directive from civilian sources prior to that specified date (except that, for maternity patients, care in the second trimester by her civilian physician on that date must have commenced prior thereto). The dependent involved will be entitled to complete any care which was authorized under this part prior to the date specified by the Secretary of Defense and which has been commenced in accordance with the preceding sentence.

##### § 56.5-5 [Amendment]

3. Section 56.5-5(e) has been revised to provide Medicare benefits for a maternity patient whose husband dies while on active duty. Paragraph (e), as amended, now reads as follows:

(e) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or the same episode which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits. If such a transfer is made, it will be accom-

plished at Government expense. The cost of medical and hospital care authorized from civilian sources (See § 56.5-2) which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 56.5-6, but not after the date on which feasible arrangements for transfer have been made. Additionally, a dependent wife who is eligible for civilian medical care (See § 56.1-3(e)), whose husband dies while on active duty, and who is pregnant at the time of his death, may receive at Government expense from civilian sources obstetrical and maternity care authorized under this Directive to include, where applicable, antepartum care, delivery, and postpartum care. Postpartum care authorized elsewhere in this Directive is authorized for a child born under these circumstances. Restrictions on freedom of choice described in § 56.3-2 shall not apply to dependents covered by the two preceding sentences in this paragraph.

MAURICE W. ROCHE,  
Administrative Secretary.

JULY 28, 1959.

Approved: July 14, 1959.

FRANK B. BERRY,  
Assistant Secretary of Defense  
(Health and Medical).

Approved: July 13, 1959.

ARTHUR S. FLEMMING,  
Secretary of Health, Education,  
and Welfare.

[F.R. Doc. 59-6537; Filed, Aug. 6, 1959;  
8:51 a.m.]

## Chapter V—Department of the Army

### SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

## PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

### Disposition of Certain Effects of Deceased or Missing Personnel

In § 511.4, revise paragraph (h) and add paragraph (m) (6), as follows:

#### § 511.4 Disposition of personal effects outside combat areas.

(h) *Currency, commercial papers, stocks, bonds, etc.* (1) If surviving spouse or legal representative is present, all currencies, commercial papers, stocks, bonds, checks, etc. (except funds belonging to the Government, Government checks payable to the deceased which are drawn on the Treasurer of the United States or on foreign depositories, and military payment orders payable to the deceased) will be delivered with other effects to the surviving spouse or legal representative. Government funds will be handled as indicated in subparagraph (2) (iii) of this paragraph. Government

checks will be transmitted to the issuing finance and accounting officer and military payment orders will be turned over to the nearest finance and accounting officer for action as indicated in subparagraph (3) of this paragraph.

(2) If the surviving spouse or legal representative is not present, the summary court will take the following action in disposing of currencies found among the effects:

(i) *United States currency.* All United States currency (if total amount exceeds \$5) will be turned in to the nearest disbursing officer for issuance of a United States Treasury check or foreign currency check, as appropriate. Check will be forwarded to the person entitled to receive the effects or to a consular representative acting as agent for such person (paragraph (j) of this section). Such transaction will be recorded in item 9 of DA Form 54, and this record will include the date and number of the check and the disbursing officer's symbol number. If United States currency found is less than \$5, such money may be included with other effects transmitted.

(ii) *Foreign currency.* Foreign currencies found in the effects will be disposed of as follows:

(a) Foreign currencies having monetary value in amounts not in excess of one month's basic pay and allowances will be turned in to the nearest disbursing officer for issuance of a United States Treasury check for the dollar equivalent of the foreign currency, computed at the current rate of exchange.

(b) Foreign currencies having monetary value in amounts in excess of one month's basic pay and allowances will be forwarded to Chief of Finance, Field Division, Indianapolis 49, Ind., for a decision regarding the conversion of such currency.

(c) Foreign currencies having no monetary value will be considered souvenir money and will be transmitted with the effects to the designated consignee.

(d) Disposition of all foreign currencies will be recorded in item 9, DA Form 54.

(iii) *Government funds.* Government funds entrusted to personnel as agents or finance officers are not effects. If it appears that funds found on the deceased may be Government funds, all funds found on deceased will be turned over to the disbursing officer on appropriate finance forms to be held in special deposits until determination can be made as to the amounts belonging to the Government and to the individual.

(iv) *Military payment certificates.* (a) Valid military payment certificates will be converted to a United States Treasury check or foreign currency check, as appropriate, and forwarded to the next of kin or legal representative.

(b) Invalidated series of military payment certificates in amounts not in excess of \$500 will be converted into a treasury check provided the date of death of the deceased was prior to the

date the series of military payment certificates was withdrawn from circulation. Amounts in excess of \$500 will be forwarded by the summary court officer to Office, Chief of Finance, Field Division, for decision regarding exchange of such certificates.

(c) Disposition of all military payment certificates will be recorded in item 9, DA Form 54.

(3) If the surviving spouse or legal representative is not present, the summary court will take the following action to dispose of commercial papers and checks found among the effects:

(i) Bank deposit books, stocks, bonds, or negotiable instruments which include traveler's checks, money orders, etc., except checks drawn on the Treasury of the United States or on foreign depositories and military payment orders, will be transmitted to the next of kin or legal representative with other effects. However, negotiable instruments made payable to the deceased in settlement of a debt due by a local debtor may be indorsed by the summary court for collection and the proceeds will be disposed of in the same manner as currency found among the effects.

(ii) Negotiable instruments found among the effects which, for valid reasons, cannot be transmitted to the next of kin or legal representative will be forwarded to the Quartermaster General, Department of the Army, Washington 25, D.C., Attn: Memorial Division.

(iii) Government checks (payable to the deceased) drawn on the treasurer of the United States or on foreign depositories will be transmitted to the issuing disbursing officer or his successor in office for appropriate action. Proper notation will be made in item 9, DA Form 54, concerning these checks and the next of kin or legal representative will be advised of their deposit so that claim may be made for them.

(iv) Military payment orders (payable to the deceased) found among the effects of deceased personnel will be turned over to the nearest finance and accounting officer for appropriate action. Proper notation will be entered in item 9, DA Form 54 and the next of kin or legal representative will be advised so that claim may be made for the proceeds of such military payment orders.

\* \* \* \* \*

(m) *Effects of missing persons.* \* \* \* (6) *Currency, commercial papers, stocks, bonds, etc.* All currencies, commercial papers, stocks, bonds, checks, etc., found among the effects of personnel in a missing status will be disposed of in accordance with procedures set forth in paragraph (h) of this section.

[C1, AR 643-50, July 21, 1959] (Sec. 3012,  
.70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 59-6495; Filed, Aug. 6, 1959;  
8:45 a.m.]

## Chapter VII—Department of the Air Force

### SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

#### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

#### PART 1004—COORDINATED PROCUREMENT

##### Subpart B—Policies and General Principles

###### § 1004.250-1 [Amendment]

1. In § 1004.250-1 (23 F.R. 1355, March 1, 1958), the entire entry "Quartz Crystals, Raw" is deleted.

#### PART 1005—INTERDEPARTMENTAL PROCUREMENT

##### Subpart A—Procurement Under Federal Supply Schedule Contracts

1. In § 1005.103-2, paragraph (d) (3) is deleted and the following substituted therefor:

###### § 1005.103-2 Exceptions to mandatory use.

###### (d) Purchase procedures. \* \* \*

(3) It is mandatory that all Con US requirements for household and quarters furniture and equipment covered in the Federal Supply Schedules or GSA Stores Stock Catalogs be satisfied through GSA sources according to established procuring and requisitioning procedures. This includes requirements for household and quarters furniture and equipment exceeding the maximum order limitation in the Federal Supply Schedules. It is also mandatory that unscheduled or Military specification household and quarters furniture and equipment (Table of Allowance 1-1Q items) requirements in the Con US be procured by GSA when the total amount of the requirement is in excess of \$1,000. The mandatory actions of this paragraph apply to all Table of Allowance 1-1Q items except mattresses FSC 7105, bedclothing FSC 7210, and prison and blind made products mandatory through other channels. These mandatory actions apply to major appliances such as household washers, dryers, refrigerators and ranges, and are also applicable to procurements made by Logistic Control Groups to fulfill overseas requirements. Requirements exceeding the maximum order limitations of Federal Supply Schedules and requirements for other than scheduled items will be requisitioned directly from GSA, Federal Supply Service, National Buying Division, 7th and D Streets, SW., Washington 25, D.C. Such requisitions will be prepared and submitted to GSA's National Buying Division by supply activities with the exception that procurement activities at Logistic Control Groups will prepare and submit such requisitions to satisfy overseas requirements.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

##### Subpart B—Procurement From General Services Administration Stores Depots

1. Section 1005.201 is deleted and the following substituted therefor:

###### § 1005.201 General.

The decision whether items and material (except Commodities under DOD-GSA interagency purchase assignment) will be procured from General Services Administration (GSA) stores depots or from commercial sources pursuant to § 5.201 of this title will be made by administrative determination arrived at jointly by the procurement and supply activities at each AF installation authorized to effect base procurements within the continental limits of the United States. This administrative determination will be arrived at in the following manner:

(a) *Delivered price*—(1) *Items stocked at base activities*. At regular intervals not to exceed once a quarter but at least semiannually, GSA and commercial prices will be informally reviewed and compared taking into consideration the overall delivered cost, including price of the item, transportation costs, and administrative cost in effecting payment. Records will be retained as necessary by procurement and supply activities to evidence that the reviews were in fact made. Formal solicitation of bids or requests for quotations from GSA Stores Depots in competition with commercial sources will not be employed to accomplish this review. The supply activity will appropriately code stock record cards, traveling purchase request cards, or other document as appropriate to reflect the determinations, and will satisfy requirements for these items by issuing purchase requests to base procurement or requisitions to GSA Stores Depots as indicated by the stock codes.

(2) *Non-stock items*. Prior to initiating a requisition to GSA or a purchase request for the item to base procurement, a special determination on the specific item will be made according to paragraph (a) (1) of this section, if the item has not previously been reviewed and coded. After this determination, a requisition or purchase request as appropriate will be issued. If this item is to fill a "one-time" requirement, this determination is applicable only, to the purchase of that requirement. If, however, the item is to be added to base stocks the determination will be effective until the next joint review of stocked items.

(b) *Quality of services*. Determination with respect to the quality of service rendered by GSA stores depots in comparison with the services obtainable from commercial sources will normally be based on past experience, and should be a matter of continuing review to insure: (1) Timely delivery of required items and (2) elimination of the need for repeated back ordering which tends to increase the administrative costs in the acquisition of required supplies.

(c) Items and classes of material stocked by GSA stores depots which are under DOD-GSA interagency purchase assignment will be procured according to the implementing procedures relating to such assignments.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

#### PART 1006—FOREIGN PURCHASES

1. The present Subpart A is deleted and a new Subpart A is substituted therefor:

##### Subpart A—Buy American Act; Supply and Service Contracts

###### Sec.

- 1006.103 Exceptions.
- 1006.103-2 Nonavailability in the United States.
- 1006.103-50 Other exceptions based on inconsistency with the public interest.
- 1006.103-51 Purchases in Canada during national emergency.
- 1006.104 Procedures.
- 1006.104-1 Applicability.
- 1006.104-3 Certificate.
- 1006.104-4 Evaluation of bids and proposals.
- 1006.105 List of excepted articles, materials, and supplies.

###### § 1006.103 Exceptions.

###### § 1006.103-2 Nonavailability in the United States.

(a) *Authority*. Secretary of the Air Force Order No. 657.1, December 15, 1958, subject: "Determination Under the Buy American Act" from the Assistant Secretary of the Air Force, reads:

1. The authority and duty to make determinations under the Buy American Act (41 U.S. Code Sections 10a-d) where the basis for such determinations is that the articles, materials, or supplies of the class or kind to be purchased or the articles, materials or supplies from which they are manufactured, are not mined, produced or manufactured, as the case may be, in the United States in sufficient and in reasonably available commercial quantities and of a satisfactory quality, is hereby assigned to: Commander, Air Materiel Command; Director and Deputy Directors of Procurement and Production, Headquarters, Air Materiel Command; Commander and Deputy Commander, AMC Ballistic Missiles Center; Commander and Deputy Commander, AMC Aeronautical Systems Center; Director and Deputy Director of Procurement and Production, Headquarters, Air Research and Development Command; Director of Procurement and Production, Air Materiel Areas and Air Force Depots; Chiefs of Divisions, Directorate of Procurement and Production, Headquarters, Air Materiel Command, AMC Ballistic Missiles Center, and AMC Aeronautical Systems Center. The authority assigned to the aforementioned individuals may not be redelegated.

2. Secretary of the Air Force Order No. 657.1, dated April 23, 1957, is hereby superseded.

3. This Order is issued in accordance with Air Force Regulation 11-18, July 16, 1954, subject: "Instruments of Delegation or Assignment of Statutory Authority."

(S) DUDLEY C. SHARP,  
Assistant Secretary of the Air Force.

(b) *Findings and determinations*. The provisions of § 6.103-2 of this title will be applied and used only after a determination, in writing, has been made by one of the above designated officials.



(c) It will be the responsibility of Purchase Policy Division, Hq. AMC, to review and transmit the proposed finding and determination, to one of the authorized certifying officers mentioned in paragraph (a) of this section.

(d) If the purchase which is proposed is excepted from the requirements of the Buy American Act both under this section and because it consists of articles, materials, or supplies excepted under § 1006.105, no finding and determination is required under paragraph (a) of this section, but only a finding by the buyer (according to § 1006.105(a)) stating that the supplies being purchased do fall within the category excepted under § 1006.105.

(e) Except as stated herein, exemption from the Buy American Act can be granted only by the Secretary of the Air Force.

(f) When a determination under paragraph (b) of this section is made that the Buy American Act does not apply, a copy of such determination will be attached to each contract for such articles, materials, or supplies except in the case of determinations made pursuant to an existing contract such copies may be distributed by letter or other convenient means.

(g) Purchase of foreign publications: Notwithstanding the exception contained in § 6.105 of this title, the following procedures are applicable to purchase for foreign periodicals and publications:

(1) Foreign periodicals and publications available through vendors located in the United States may be procured unless there is a question of security involved. If there is a question of security involved, requests will be forwarded to the Director of Intelligence, Hq USAF, for forwarding to the appropriate air attaché for procurement.

(2) Requests for foreign periodicals and publications which must be procured outside the United States will be sent to the Director of Intelligence, Hq USAF, for forwarding to the appropriate air attaché for procurement. Such requests will contain complete information, including description of the item, estimated cost, name and address of vendor, citation of applicable appropriation, and shipping instructions.

#### § 1006.103-50 Other exceptions based on inconsistency with the public interest.

(a) *Articles purchased for purpose of evaluation and comparison.* (1) The Under Secretary of the Air Force, on March 3, 1949, determined as follows:

#### DETERMINATION UNDER THE BUY AMERICAN ACT

Pursuant to the authority contained in the Buy American Act (Act of March 3, 1933, 41 U.S.C. 10a-c) and pursuant to the authority vested in me, I hereby determine that it would be inconsistent with the public interest to apply the Buy American Act to the purchase of unmanufactured articles, materials, or supplies not mined or produced in the United States, and manufactured articles, materials and supplies not manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, where the intended use of any such articles, materials, or supplies is evaluation

and comparison with other similar articles, materials, or supplies produced or mined in the United States, and I hereby grant an exemption from the application of said act to all such purchases. A copy of this determination shall be attached to each such contract for supplies which is otherwise subject to the provisions of said act.

(S) A. S. BARROWS,  
Under Secretary of the Air Force.

(2) The effect of the above determination is to grant an exception from the application of said act only to such purchases where the intended use of any such articles, materials, or supplies is evaluation and comparison with other similar articles. Consequently, where the intended use is other than evaluation and comparison with other similar articles, the above determination does not apply.

(3) When articles are purchased for evaluation and comparison, a copy of the determination (paragraph (a) (1) of this section) will be attached to each of the following copies of the contract: (i) General Accounting Office, (ii) contract file, and (iii) contractor's file.

(b) *Purchase of petroleum products.* According to Executive Order 10761 and Department of Defense Directive 4105.50, April 26, 1958, the following provisions will apply to the purchase of petroleum products, other provisions notwithstanding.

(1) *Definitions.* (i) "Domestic petroleum product" means any product refined in the United States entirely from crude petroleum of wholly domestic origin.

(ii) "Complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be imported by a firm which, during the period of contract performance and for the 3 months preceding the month in which a bid is submitted to the Department of Defense, has imported crude petroleum in compliance with the Voluntary Oil Import Program or which is certified by the Administrator, Voluntary Oil Import Program, as being in compliance under that Program.

(iii) "Non-complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, other than "complying petroleum product."

(iv) "Foreign refined petroleum product" means any petroleum product refined outside the United States.

(v) "United States" means the United States and any place subject to the jurisdiction of the United States (see § 6.101 (c) of this title.)

(2) *Procedures.* Every contract entered into by the Department of the Air Force for the purchase in the United States of petroleum products shall contain the following clause in lieu of the clause prescribed in § 6.104-5 of this title:

#### BUY AMERICAN ACT AND EXECUTIVE ORDER NO. 10761

a. For the purpose of this clause:

(i) "Domestic petroleum product" means any product refined in the United States from crude petroleum of wholly domestic origin;

(ii) "Complying petroleum product" means any product refined in the United

States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be imported by a firm which, during the period of contract performance and for the three months preceding the month in which the bid or offer which resulted in this contract is submitted, has imported crude petroleum in compliance with the Voluntary Oil Import Program, or which is certified by the Administrator, Voluntary Oil Import Program, as being in compliance under that Program.

(iii) "United States" means the United States and any place subject to the jurisdiction thereof.

b. Contractor agrees that there will be delivered under this contract only refined petroleum products of one of the types set forth above, except:

(1) When the petroleum products are for use outside the United States;

(ii) When the Government determines that neither domestic petroleum product nor complying petroleum product is produced or refined in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(iii) When the Secretary determines it would be inconsistent with the public interest to apply the preference to domestic petroleum product or complying petroleum product; or

(iv) When the Secretary determines the cost to the Government of domestic petroleum product or complying petroleum product to be unreasonable.

c. If the supplies to be delivered hereunder are refined in the United States in whole or in part from imported crude, the Contractor agrees that during the contract period he will comply in all respects with the Voluntary Oil Import Program.

(3) In evaluating bids or offers, no price differential will be applied between bids or offers of domestic petroleum product and those offering complying petroleum product.

(4) Otherwise acceptable bids or offers of foreign refined petroleum products will be accepted if such bid or offer is the lowest available bid or offer and (1) no bid or offer of domestic petroleum products or complying petroleum product is available for consideration, or (2) the lowest available bid or offer of a domestic petroleum product or complying petroleum product is 6 percent or more in excess of the sum of such bid or offer of foreign refined petroleum product including all costs of delivery to the place specified in the solicitation and the import tax or duty (whether or not an import tax or duty-free entry certificate may be issued).

(5) Bids or offers of non-complying petroleum products will not be accepted.

(6) In determining whether a product is a complying petroleum product, a certificate issued by the Administrator, Voluntary Oil Import Program, will be accepted as conclusive evidence of such compliance. In the absence of such a certificate, a certification or representation of compliance made by the supplier may be considered presumptive evidence of compliance.

#### § 1006.103-51 Purchases in Canada during national emergency.

(a) The Assistant Secretary of the Air Force, on December 30, 1950, determined as follows:

#### DETERMINATION UNDER BUY AMERICAN ACT

The President of the United States having, on December 16, 1950, proclaimed a national

emergency which requires that the defense of this country be strengthened as speedily as possible, and the United States and the Dominion of Canada having entered into certain reciprocal arrangements contemplating the acquisition of defense supplies by each nation from sources in the other nation, and it being necessary that certain procurement restrictions which would otherwise impede the accomplishment of these purposes be suspended to the extent authorized by law, I hereby determine, pursuant to the authority vested in me by the Buy American Act (41 U.S.C. 10a-d) that it is inconsistent with the public interest, during the period of said national emergency, to apply the restrictions of said act to the acquisition by the Department of the Air Force of manufactured and unmanufactured articles, materials and supplies in the Dominion of Canada.

Accordingly, purchases and contracts of the Department of the Air Force in the Dominion of Canada will not be subject to the provisions of the Buy American Act during the period of the national emergency. This determination does not, however, apply to appropriation act restrictions pertaining to the purchase of food and clothing.

(S) EUGENE M. ZUCKERT,  
Assistant Secretary of the Air Force.

(b) As a consequence of the above determination, exemption from the Buy American Act is not required if for supplies manufactured in Canada whether purchased directly by the Air Force or for the Air Force by a prime contractor or subcontractor.

(c) While no dollar limitation was placed in the determination above, the policy of the Air Force is that the Assistant Secretary of the Air Force (Materiel) is to be consulted prior to committing the Air Force to any programs in Canada involving airframes or major components such as engines, propellers, fire control, or similar items. To implement this policy, buyers will forward pertinent information to the Assistant Secretary of the Air Force (Materiel) through the Purchase Policy Staff Division (MCPPP), Hq AMC, which will forward the information to the Director of Procurement and Production, Hq USAF, Washington 25, D.C., so that the required consultation with the Assistant Secretary of the Air Force (Materiel) may be had prior to placing such contracts.

(d) A copy of the determination (paragraph (a) of this section) will be attached as prescribed in this paragraph to each contract which otherwise would have required an exemption from the Buy American Act. The buyer will attach a copy of the determination to each of the following copies of the contract: (1) General Accounting Office, (2) contract files, and (3) contractor's file.

#### § 1006.104 Procedures.

##### § 1006.104-1 Applicability.

It is emphasized that the Buy American Act only applies to purchases "for public use." Exemption should be requested only if the Air Force will acquire title to the property by direct purchase, or through a contractor's purchase. If a contractor desires to purchase foreign articles for his own use under such circumstances that the Government will not become the owner of such articles, request for exemption from the Buy American Act will not be

submitted even though the contractor may intend to use the foreign articles (e.g., production machinery) to aid him in performance of an Air Force contract as well as for his private business. If the purchase is being made by an Air Force contractor, the importation of the foreign material may be dutiable unless the method set forth in § 1006.602-1 is complied with.

#### § 1006.104-3 Certificate.

All IFB's and RFP's incorporating the use of this certificate will contain a definition of the United States as set forth in § 6.101(c) of this title.

#### § 1006.104-4 Evaluation of bids and proposals.

(a)-(b) See § 6.104-4 (a) and (b) of this title.

(c) Procurements within § 6.104-4(c) of this title will be forwarded through channels (including Commander, AMC, attn: MCPPP) to the Director of Procurement and Production, Hq USAF, attn: AFMPP-PR-1 Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) See § 6.104-4(d) of this title.

(e) When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date of issuance.

(2) Date(s) of bid expiration, and any extensions obtained.

(3) Complete description of the item or items.

(4) Price or estimated cost of items, indicating separately amount of duty and transportation costs to destination.

(5) Name and address of proposed contractors or individuals.

(6) Designation of agency to effect purchase.

(7) Complete detailed facts justifying the proposed award and covering the factor or factors leading to submission for Secretarial consideration.

(8) Copy of the IFB or RFP and in advertised procurements copy of the abstract of bids and work sheet.

(f) Proposed procurements submitted for Secretarial consideration under the provisions of § 6.104-4(c) of this title will be forwarded to reach Hq USAF not later than 10 days prior to the date of acceptance of bids. Provision will be made for extending the date of acceptance of bids to permit sufficient time for orderly transmission and Secretarial consideration, with immediate notification to Hq USAF and Hq AMC of such extension.

#### § 1006.105 List of excepted articles, materials, and supplies.

See § 6.105 of this title.

(a) *Finding and determination.* If the purchase which is proposed consists of articles, materials, or supplies coming within the category of § 6.105 of this title, no finding is required other than a finding by the buyer stating that the supplies being purchased do fall within the above category. This finding will be incorporated into the contractual in-

strument accomplishing the purchase or, if more convenient, it may be made by separate finding signed by a contracting officer.

### Subpart B—Buy American Act; Construction Contracts

1. A new Subpart B is added, as follows:

Sec.  
1006.203 Exceptions.  
1006.203-1 Nonavailability in the United States.  
1006.204 Procedures.  
1006.204-3 Evaluation of bids and proposals.

#### § 1006.203 Exceptions.

##### § 1006.203-1 Nonavailability in the United States.

This section will be used according to procedures prescribed in § 1006.103-2.

#### § 1006.204 Procedures.

##### § 1006.204-3 Evaluation of bids and proposals.

(a)-(b) See § 6.204-3(a)-(b) of this title.

(c) *Impracticability.* Proposed procurements within § 6.204-3(c) of this title will be forwarded through channels (including Commander, AMC, attn: MCPPP) to the Director of Procurement and Production, Hq USAF, attn: AFMPP-PR-1, Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) *Procedure.* When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date of issuance.

(2) Date(s) of bid expiration and any extensions obtained.

(3) Complete description of each designated item of non-domestic construction material proposed for use, including total quantity and price.

(4) Name and address of proposed contractors or individuals.

(5) Designation of agency to effect purchase.

(6) Complete detailed facts justifying the proposed award and demonstrating that, as to each designated item of non-domestic construction material proposed for use, the use of any corresponding domestic construction material would be impracticable.

(e) *Provision for extension of bid expiration.* Procedures set forth in § 1006.104-4(f) will be followed.

### Subpart C—Duty and Customs

1. Subpart C (23 F.R. 10127, December 24, 1958) is deleted and redesignated Subpart F.

### Subpart D—Purchase From Soviet-Controlled Areas

1. Section 1006.402 is deleted and the following substituted therefor:

#### § 1006.402 Exceptions.

(a) See § 6.402(a) of this title.

(b) (1) See § 1006.103-2 of this Part.

(2) Purchases in excess of \$2,500 may be made only after specific approval of the Secretary of the Air Force. The



buyer will prepare three copies of an appropriately worded finding and determination together with complete justification and forward them through channels (including Commander, AMC, attn: MCPP) to the Director of Procurement and Production, Hq USAF, attn: AFMPP-PR-1, Washington 25, D.C., for submission to the Secretary.

#### Subpart E—Canadian Purchases

1. The present Subpart E (23 F.R. 8484, Nov. 1, 1958) is deleted and a new Subpart E is added, as follows:

- Sec.  
1006.501 Purchases from Canadian suppliers.  
1006.550 Solicitation of Canadian firms.  
1006.554 Research contracts placed in Canada.  
1006.555 Solicitation of Canadian sources for research and development procurements.

#### § 1006.501 Purchases from Canadian suppliers.

Awards, resulting in the placement of a prime contract in the Dominion of Canada, will be made to the Canadian Commercial Corporation, 2450 Massachusetts Avenue NW., Washington, D.C. This subpart is not applicable to base procurement activities. Such activities will enter into contracts directly with Canadian firms.

#### § 1006.550 Solicitation of Canadian firms.

Canadian firms will be included on bidders' mailing lists and comparable source lists only upon request by the Canadian Commercial Corporation. Such requests should be directed to the activity having procurement responsibility for the supplies or services involved. IFB's and RFP's will be sent directly to Canadian firms appearing on the appropriate bidders' mailing list, with a copy of the IFB/RFP and a listing of all Canadian firms solicited sent to the Canadian Commercial Corporation, 56 Lyon Street, Ottawa, Ontario, Canada. IFB's and RFP's will also be furnished to the Canadian Commercial Corporation, even though not furnished Canadian firms, if requested by the Corporation for its own account.

#### § 1006.554 Research contracts placed in Canada.

The Canadian Government through the Permanent Board of Defence has requested that all research contracts with agencies in the Dominion of Canada be cleared through a central point to eliminate competition for research projects and to prevent further subsidies from the various agencies of the United States for research in universities already supported by various Canadian federal agencies. Accordingly, the following procedure will govern in the placement of research contracts with Canadian institutions and agencies:

(a) The Director of Procurement, Hq ARDC, will clear each purchase request directly with the Defence Research Member, Canadian Joint Staff, 2450 Massachusetts Avenue NW., Washington, D.C., prior to negotiations for a research contract in Canada.

(b) In all cases, when the provision of paragraph (a) of this section is applicable and a Secretarial determination is required to authorize negotiation pursuant to 10 U.S.C. 2304 (formerly Public Law 413, 80th Congress), such authority will be obtained subsequent to clearance of the purchase request by the Defence Research Member, Canadian Joint Staff.

#### § 1006.555 Solicitation of Canadian sources for research and development procurements.

(a) To carry out the President's mandate that full advantage be taken of the scientific talents of friendly countries through a mutual sharing of scientific and technical information, a program for closer collaboration with Canada in research and development has been adopted. This program together with the provisions of certain bilateral agreements between Canada and the United States, has made it desirable to state more specifically certain AF procurement policies and procedures in the area of research and development as they relate to Canada.

(b) It is AF policy to consider for solicitation qualified Canadian sources on an equal basis with qualified American sources for the placement of Research and Development contracts. Such solicitation will include areas that may be agreed upon from time to time where it is evident that mutual benefit will accrue.

(c) Solicitation for the placement of such contracts should be made at a point in the research and development cycle at which the Air Force has an approved technical requirement necessitating the establishment of a Research and Development project which is normally assigned to and monitored by an Air Research and Development Command Center.

#### Subpart F—Duty and Customs

1. A new Subpart F is added as follows:

- Sec.  
1006.601 Customs duties on foreign purchases.  
1006.602 Emergency purchases of war material abroad.  
1006.602-1 General.  
1006.602-2 War materials.  
1006.602-3 Emergency purchases.  
1006.602-4 Use of duty-free entry certificates.  
1006.602-5 Limitations.  
1006.602-6 Duty-free entry certificate.  
1006.603 Supplies for vessels or aircraft operated by the United States.  
1006.604 Customs duties and drawbacks.  
1006.650 Import shipments.  
1006.651 Water shipments of USAF material procured in Europe and Japan.  
1006.652 Shipment of materiel procured in Canada.  
1006.653 Export shipments to Canada.

#### § 1006.601 Customs duties on foreign purchases.

See § 6.601 of this title.

#### § 1006.602 Emergency purchases of war material abroad.

##### § 1006.602-1 General.

Reference in this Subpart F to articles, supplies, and materials which are to

be imported into the United States means "emergency purchases of war material," as defined in §§ 6.602-2 and 6.602-3 of this title.

(a) For exemptions from customs duties in foreign countries where agreements have been signed, see Subpart T, Part 1011 of this chapter.

(b) Instructions in this subpart are applicable to contracting officers responsible for administration.

#### § 1006.602-2 War materials.

See § 6.602-2 of this title.

#### § 1006.602-3 Emergency purchases.

See § 6.602-3 of this title.

#### § 1006.602-4 Use of duty-free entry certificates.

See § 6.602-4 of this title.

#### § 1006.602-5 Limitations.

See § 6.602-5 of this title.

#### § 1006.602-6 Duty-free entry certificate.

The Director of Transportation Hq AMC (MCT) has been delegated by the Commander, AMC authority to execute duty-free entry certificates in the form set forth in § 6.602-6 of this title for emergency purchases of war materials, as defined in §§ 6.602-2 and 6.602-3 of this title, with power of redelegation to officers and civilian officials of the AF. (a) Pursuant to the foregoing, AF commanders concerned will submit requests for such authority on AFPI Form 8, "Application for Delegation of Authority to Execute Customs Documents," to the Commander AMC, attn: MCTM. A delegation of such authority to an ACO will be requested from MCTM through Contract Administration Branch (MCPKC) Hq AMC.

(b) Execution of duty-free entry certificates is contingent upon the ACO furnishing the following information to the appropriate transportation officer:

- (1) Contract or purchase order number.
- (2) Contractor and address (prime and foreign).
- (3) Articles and the value thereof.
- (4) FOB terms of contracts.
- (5) Destination and approximate shipping date schedule.

(6) A statement in writing that materials, parts, or components being shipped are entitled to entry free of duty pursuant to 10 U.S.C. 2383, Subpart F, Part 6 of this title, and any applicable regulations of the Bureau of Customs. If materials, parts, or components entitled to entry free of duty are to be incorporated into an end item to be delivered to the Government under a specific prime contract, this statement of the administrative contracting officer will be made contingent upon: (i) Consignment of these materials, parts, or components to the responsible AF plant representative or chief, air procurement district, in charge of the prime contract, and (ii) upon the ability of the Government under the terms of the prime contract to obtain benefit of savings of such duty-free entry.

(c) Duty-free entry certificates and the following Bureau of Customs forms

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will be prepared in the manner prescribed.

(1) Customs Form 7501, "Consumption Entry" in quintuplicate.

(2) Customs Form 7501A, "Consumption Entry Permit" in triplicate.

(3) Customs Form 6417, "Summary of Entered Values" in triplicate.

#### § 1006.603 Supplies for vessels or aircraft operated by the United States.

"Entry of 'certain supplies,' as referenced in § 6.603 of this title, will be made according to the instructions in AFR 76-29."

#### § 1006.604 Customs duties and drawbacks.

See § 6.604 of this title.

#### § 1006.650 Import shipments.

(a) Ordinarily, materials purchased f.o.b. destination are not entitled to free entry under 10 U.S.C. 2383. However, there may be provisions in contracts reading otherwise. (See § 6.602-5(a) of this title.) Contracting officers and transportation personnel will maintain close liaison. (See § 1006.602-6(b).)

(b) Materials purchased aboard f.o.b. carriers' equipment, origin (except overseas shipments), will be cleared by agents of the United States Government authorized by redelegation. When information requested in § 1006.602-6(b) is made available to such AF agent, the agent will immediately contact the contractor informing him that the shipper must:

(1) Prepare and mail to the United States Collector of Customs at the port of entry through which shipment will move, memorandum copy of the bill of lading showing contract number, car initials and number, or motor vehicle identification, in addition to other normal information or consular invoice.

(2) Annotate papers: "Military, Free Entry, to be claimed under 10 U.S.C. 2383."

(c) Transportation officers and administrative contracting officers authorized by MCTM to execute certificates will extract one copy of the above completed forms for their permanent record, and send the balance of original and duplicate copies to the collector of customs at the port of entry (place where shipment enters country). One copy of the completed forms prepared by the contracting officer will be sent to the transportation officer, to be filed with the applicable bill of lading. Customs Form 7501 will bear the certificate set forth in § 6.602-6 of this title.

(d) If commanders are operating flights between foreign countries, pilots must execute Customs Form 6417, in quintuplicate, leaving one copy at base from which executed and depositing the remaining four copies with the collector of customs at the port of entry.

(e) Articles of United States manufacture which have not been purchased abroad but are being returned to the United States either for repairs or because of material surplus, or which are being returned to United States custody after their purpose has been served, must be covered by the appropriate customs entry and will be certified on Customs Form 7501 as follows:

I certify that the articles covered by this entry for which free entry is claimed under 19 U.S.C. 1201 as amended, are the growth, produce, or manufacture of the United States, and have been returned to the United States without having been advanced in value or improved in condition by any process of manufacture or other means, and that no drawback has been or will be claimed on such articles.

-----  
(Name)  
-----  
(Title)  
who has been designated  
to execute free entry certificates for the above  
named Department.  
-----  
(Grade) (Organization)

(f) Personnel authorizing the return of materials procured from foreign countries will furnish destination transportation officers with sufficient information and/or documents, to support the issuance of the certificate set forth in paragraph (a) of this section, so that they may be promptly cleared through customs.

#### § 1006.651 Water shipments of USAF material procured in Europe and Japan.

(a) All contracting officers in AMC centers, AMC field procurement activities (including base procurement contracting officers who may have to purchase abroad), AMFFPA, AMFEA, and USAFE are to specify delivery to the transportation officer f.o.b. at the appropriate port listed below (if possible) when water shipment is to be made.

Country	F.o.b. port
Japan	Yokohama.
Switzerland	Bremerhaven.
Germany	Do.
France	Do.
Belgium	Do.
Netherlands	Do.
Italy	Leghorn.
England	U.K. Port.

By purchasing f.o.b. these ports, material will be transported aboard Government-owned or leased/chartered equipment without brokerage or customs fees. In taking this action caution will be observed to determine that the benefits accrue solely to the Department of the Air Force. (See § 1006.602-1(a).) Such shipments will be consigned to the Department of the Air Force, or to the appropriate military or civilian official of the Department of the Air Force, in his official capacity, in the continental United States (i.e., "USAF representative, Lockheed Aircraft Corporation, Burbank, California.") Such consignments are in conformity with Customs Regulations, § 1010.104 of this chapter (see Treasury Decision 53780, April 13, 1955) and qualify the shipments for immediate delivery pursuant to 19 U.S.C. 1448(b) without awaiting formal entry proceedings. Such shipments may be released upon filing Customs Form 3461, "Application for Special Permit for Delivery of Perishable and Other Articles, Immediate Delivery of Which is Necessary."

(b) Information required in § 1006.602-6(b) will be furnished Commercial Traffic Office, New York Air Procurement District.

#### § 1006.652 Shipment of materiel procured in Canada.

Information required in § 1006.602-6(b) will be furnished Commercial Traffic Office, Detroit Air Procurement District.

#### § 1006.653 Export shipments to Canada.

(a) AF material shipped to Canada normally falls into two categories:

(1) Shipments of United States military supplies or United States Armed Forces in Canada, or for Canadian contractors performing work under AF contracts. Such shipments normally move on Government bills of lading or commercial bills of lading to be converted to Government bills of lading, consigned to USAF c/o consignee and carry notation, "Free Entry under Tariff Item 708." No export documentation is required other than one additional copy of the bill of lading for Canadian Customs purposes.

(2) Shipments of materials furnished to the Canadian Armed Services under the Mutual Defense Assistance Act on a cost-reimbursable basis. Such material normally moves on a collect commercial bill of lading with transportation charges and duty paid by the Canadian Government. Department of Commerce Form 7525-V, "Shippers' Export Declaration," will be prepared.

(b) *Certification and distribution of Department of Commerce Form 7525-V.*  
(1) Enter the following certification under Items 11 through 15:

I hereby certify that the items on the shipping documents attached to this export declaration are the items being sold by the Government of the United States to the Government of Canada under the cost-reimbursement provisions of the Mutual Defense Assistance Act of 1949, as amended.

-----  
(Signature and title of  
base supply officer or  
contracting officer or  
his authorized representatives)

(2) In addition to "Marks and Nos, and Number and Kind of Packages \* \* \*" enter the following statement under items 9 and 10: "Department of State Certification of Registration #3276, July 30, 1951 authorizes unlimited license. U.A.C."

(3) Five copies of Department of Commerce Form 7525-V will be prepared. Completed forms, with a priced copy of DD Form 1149 or DD Form 250 attached to each copy, will be distributed as follows:

(i) One set will be retained by the contractor or transportation officer.

(ii) Three sets will be given to originating carrier when shipment is tendered for transportation. (Carrier will assure that one set accompanies shipment to destination, and two sets are made available to the Collector of Customs at the United States Customs Port of Exit.)

(iii) One set will be forwarded within 24 hours after completion by the most expeditious means to the Canadian Office, attn: MCLDDP, Department of Defense Production, Wright Patterson Air Force Base, Ohio.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

## PART 1007—CONTRACT CLAUSES

### Subpart A—Clauses for Bilateral Fixed-Price Supply Contracts

1. Section 1007.105-5 is revised as follows:

#### § 1007.105-5 Liquidated damages.

According to § 1.313 of this title, insert the provision prescribed by § 7.105-5 of this title.

### Subpart C—Clauses for Fixed-Price Research and Development Contracts

1. Section 1007.303-13 is added, as follows:

#### § 1007.303-13 Notice to Government of labor disputes.

Insert the clause set forth in § 7.104-4 of this title.

2. Sections 1007.303-25 and 1007.304-3 are revised to read as follows:

#### § 1007.303-25 Basic data.

Insert the clause set forth in § 9.203-1 of this title and add the paragraph set forth in § 9.203-4 of this title.

#### § 1007.304-3 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

3. Section 1007.304-8 is added as follows:

#### § 1007.304-8 Limitation on withholding of payments.

According to the requirements of § 7.104-21 of this title, insert the clause set forth therein:

4. Section 1007.304-10 is revised as follows:

#### § 1007.304-10 Examination of records.

According to the requirements of § 7.104-15 of this title, insert the clause set forth therein.

5. Section 1007.304-16 is added as follows:

#### § 1007.304-16 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104-20 of this title, insert the clause set forth therein.

#### § 1007.305-2 [Deletion]

6. Section 1007.305-2 is deleted.

### Subpart D—Clauses for Cost-Reimbursement-Type Research and Development Contracts

1. Section 1007.403-11 is revised as follows:

#### § 1007.403-11 Excusable delays.

Insert the clause set forth in § 8.708 of this title which will be designated "(a)" and add paragraph (f) of the clause set forth in § 1007.303-10 of this Part which will be designated "(b)."

2. Section 1007.403-25 is deleted and the following substituted therefor:

#### § 1007.403-25 Basic data.

Insert the clause set forth in § 9.203-1 of this title and add the paragraph set forth in § 9.203-4 of this title.

3. Sections 1007.403-28 and 1007.404-2 are added as follows:

#### § 1007.403-28 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104-4 of this title.

#### § 1007.404-2 Limitation on withholding of payments.

According to the requirements of § 7.104-21 of this title, insert the clause set forth therein.

4. Section 1007.404-4 is revised as follows:

#### § 1007.404-4 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

5. Section 1007.404-5 is added as follows:

#### § 1007.404-5 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104-20 of this title, insert the clause set forth therein.

#### § 1007.405-1 [Deletion]

6. Section 1007.405-1 is deleted.

### Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

1. Section 1007.2103-7 is revised as follows:

#### § 1007.2103-7 Default.

Insert the clause set forth in § 8.707 of this title.

#### § 1007.2103-10 [Deletion]

2. Section 1007.2103-10 is deleted.

3. In § 1007.2103-16, paragraph (c) of the clause is deleted and a new paragraph (c) is substituted therefor:

#### § 1007.2103-16 Termination for convenience of the Government.

\* \* \* \* \*

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claims shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one year period or any extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of

the termination and shall thereupon pay to the Contractor the amount so determined.

4. Section 1007.2104-10 is added as follows:

#### § 1007.2104-10 Buy American Act.

According to the requirements of § 6.104-5 of this title, insert the clause set forth therein.

### Subpart V—Clauses for Technical Services Contracts

1. Section 1007.2201 is added as follows:

#### § 1007.2201 Limitation on use.

Fixed-price contracts for technical services will be issued only by AMC Aeronautical Systems Center.

2. Sections 1007.2203-7 and 100.2203-17 are revised as follows:

#### § 1007.2203-7 Default.

Insert the clause set forth in § 8.707 of this title.

#### § 1007.2203-17 Examination of records.

Insert the clause set forth in § 7.104-15 of this title.

### Subpart W—Clauses for Time and Materials Contracts

1. Section 1007.2303-9 is added as follows:

#### § 1007.2303-9 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104-4 of this title.

2. Section 1007.2303-22 is revised as follows:

#### § 1007.2303-22 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

3. Section 1007.2304-1 is added as follows:

#### § 1007.2304-1 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104-20 of this title, insert the clause set forth therein.

#### § 1007.2304-4 [Amendment]

4. The title of § 1007.2304-4 is changed as follows: "Rights in data."

5. Section 1007.2304-5 is deleted and the following substituted therefor:

#### § 1007.2304-5 Buy American Act.

According to the requirements of § 6.104-5 of this title, insert the clause set forth therein.

6. Section 1007.2304-8 is revised as follows:

#### § 1007.2304-8 Patent indemnity.

According to the requirements of § 9.103 of this title, insert the clause set forth in § 9.103-2 of this title.

7. Section 1007.2304-12 is added as follows:

#### § 1007.2304-12 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth therein.

8. Section 1007.2304-13 is added as follows:

**§ 1007.2304-13 Limitation on withholding of payments.**

According to the requirements of § 7.104-21 of this title, insert the clause set forth therein.

**§ 1007.2305-1 [Deletion]**

9. Section 1007.2305-1 is deleted.

**Subpart X—Clauses, Schedule Provisions, and Exhibits for Instruction of Military Personnel at Civilian Schools, Colleges, and Universities**

1. Paragraphs (a), (b) and (c) of the clause in § 1007.2406-1 are revised as follows:

**§ 1007.2406-1 Part I—Services to be furnished.**

(a) The Contractor shall enroll and provide instruction during the period \_\_\_\_\_ to \_\_\_\_\_ for not more than \_\_\_\_\_ students, who shall be military personnel of the United States Air Force selected by the Government and acceptable to and approved by the Contractor, in the course and for the respective periods of time determined as hereinafter provided.

(b) Requests by the Government for instruction shall be by delivery to the Contractor of an exhibit to this contract as hereinafter provided.

(c) The total number of students specified in paragraph (a) above will be divided into groups or classes. Classes will be consecutive unless otherwise mutually agreed upon. Each exhibit will be numbered and presented in quintuplicate by the Government to the Contractor to show the approved curriculum to be pursued by each student, the cost thereof and the total cost of all students in the particular class involved. The exhibit shall be then forwarded in quadruplicate to the Contracting Officer for approval. Upon approval by the Contracting Officer, a copy thereof, executed by the Contracting Officer, shall be returned to the Contractor.

2. In § 1007.2406-2, paragraph (b) (1) d of the clause is amended as follows:

**§ 1007.2406-2 Part II—Consideration, payment and voucher.**

(b) \* \* \*  
(1) \* \* \*  
d. Designation of voucher as "Final Billing for this semester (term)" or "Partial billing for this semester (term)" as appropriate.

3. Section 1007.2407-1 is deleted and the following substituted therefor:

**§ 1007.2407 Exhibits.**

**§ 1007.2407-1 Exhibit for enrollment or continuation.**

The following exhibit will be used for the enrollment or continuation of personnel:

HEADQUARTERS, AIR FORCE INSTITUTE OF TECHNOLOGY WRIGHT-PATTERSON AIR FORCE BASE, OHIO

Exhibit No. \_\_\_\_\_ to  
(Date) Contract No. \_\_\_\_\_

**PART I OF EXHIBIT**

To:

1. A group of Air Force students is scheduled to enroll or be continued in a class at your institution in accordance with the terms of the contract cited above. As set

forth in greater detail in Part II hereof, this group consists of \_\_\_\_\_ students for a course of instruction in \_\_\_\_\_ beginning \_\_\_\_\_ and ending \_\_\_\_\_

2. Request that Part II of this Exhibit be executed in quadruplicate and returned as soon as practicable to the Contracting Officer, Hq, Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio. The copy marked "Advance Copy" may be retained by the Contractor for information purposes. The date of execution of this Exhibit must be provided immediately following the signature.

\_\_\_\_\_  
(Contracting Officer)

\_\_\_\_\_  
(Date)

**PART II OF EXHIBIT**

\_\_\_\_\_  
(Date)

To: Contracting Officer  
Air Force Institute of Technology  
Wright-Patterson Air Force Base, Ohio

1. The referenced group of Air Force students is to be or has been enrolled or continued in this institution to pursue the curriculum at the cost and for the time period as detailed.

2. It is certified that these charges are not greater than that charged for other students pursuing the same or similar curriculum.

3. The names of the students and the itemized charges due or to become due on account of such enrollment or continuation are as follows:

\_\_\_\_\_  
(Contractor)

By

\_\_\_\_\_  
(Title)

Date

\_\_\_\_\_  
(Address)

**Subpart Y—Clauses and Arrangements for Letter Contracts**

1. In § 1007.2504-3(a), the material following "9.104 (Notice and Assistance Regarding Patent Infringement)" is deleted and the following substituted therefor:

**§ 1007.2504-3 Contract clauses for incorporation by reference.**

(a) \* \* \*

\* \* \* 9.106 (Filing of Patent Applications); 9.102-1 (Authorization and Consent); 9.107-1 (Patent Rights); 9.203-1, 9.203-2, 9.203-3, and 9.203-4 (Data); 13.502 (Government-Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Defaults); 7.104-4 (Notice to the Government of Labor Disputes); 7.104-20 (Utilization of Concerns in Labor Surplus Areas); and 7.104-21 (Limitation on Withholding of Payments).

2. In § 1007.2504-6, paragraphs (d), (e) and (f) of the clause are deleted and the following substituted therefor:

**§ 1007.2504-6 Termination.**

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if

the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit a termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provision of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) hereof, such amount or amounts shall not include any allowance for profit or fee. In the event of any termination pursuant to paragraph (b) hereof, such amount or amounts may include a reasonable allowance for profit or fee, but only on work actually done in connection with the terminated portion of this order. Any such amount shall not exceed the amount set forth in the clause hereof entitled "Authority to Obligate Funds." Any such agreement shall be embodied in an amendment to this order and the Contractor shall be paid the agreed amount.

(f) If the Contractor and the Contracting Officer are not able to agree in whole or in part, as provided in Paragraph (e) hereof, as to the amount or amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer without duplication of any amounts agreed upon in accordance with the above-cited paragraph (e), shall subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract pay to the Contractor an amount determined in accordance with the applicable cost principles of the Armed Services Procurement Regulation. In the event of the termination of this order pursuant to paragraph (a) hereof, no allowance for fee or profit shall be included in the amount to be paid the Contractor.

3. In § 1007.2505-3(a), the material following "9.106 (Filing of Patent Applications)" is deleted and the following substituted therefor:

**§ 1007.2505-3 Contract clauses incorporated by reference.**

\* \* \* 9.102-1 (Authorization and Consent); 9.107-1 (Patent Rights); 9.203-1, 9.203-2, 9.203-3 and 9.203-4 (Data); 6.403 (Soviet Controlled Areas); 7.104-4 (Notice to the Government of Labor Disputes); 7.104-20 (Utilization of Concerns in Labor Surplus Areas); 7.104-21 (Limitation on Withholding of Payments); and 7.203-11 (Excusable Delays).

4. In § 1007.2506-3(a), the material following "9.104 (Notice and Assistance Regarding Patent Infringement)" is deleted and the following substituted therefor:

**§ 1007.2506-3 Contract clauses incorporated by reference.**

\* \* \*

\* \* \* 9.102-1 (Authorization and Consent); 7.104-4 (Notice to the Government of Labor Disputes); 8.403 (Soviet Controlled Areas); 7.104-20 (Utilization of Concerns in Labor Surplus Areas); and 7.104-21 (Limitation on Withholding of Payments).

#### Subpart Z—Clauses for Open Contracts for Equipment

1. Section 1007.2601 is added as follows:

##### § 1007.2601 Limitation on use.

The type of contract set forth in this subpart will be issued only by Hq AMC, AMC centers, and AMC field procurement activities and is only for use with major missile, aircraft, engine, and equipment contractors where firm requirements for emergency procurements or stock replenishment cannot be computed sufficiently in advance of required delivery so that a definite-quantity contract can be entered into.

2. Section 1007.2603-21 is revised as follows:

##### § 1007.2603-21 Examination of records.

Insert the clause set forth in § 7.104-15 of this title.

3. Section 1007.2603-43 is added as follows:

##### § 1007.2603-43 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104-4 of this title.

4. Section 1007.2604-6 is revised as follows:

##### § 1007.2604-6 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clauses set forth in § 9.110(b) of this title.

5. Section 1007.2604-9 is deleted and the following substituted therefor:

##### § 1007.2604-9 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104-20 of this title, insert the clause set forth therein.

##### § 1007.2605-4 [Deletion]

6. Section 1007.2605-4 is deleted.

7. Section 1007.2703-28 is revised as follows:

##### § 1007.2703-28 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

#### Subpart AA—Clauses for Facilities Contracts

##### § 1007.2704-8 [Amendment]

1. The title of § 1007.2704-8 is changed as follows: "Data and copyrights."

#### Subpart BB—Clauses for Short-Form Facilities Contracts

##### § 1007.2804-4 [Amendment]

1. The title of § 1007.2804-4 is changed as follows: "Data and copyrights."

#### Subpart EE—Clauses for Construction Contracts

1. Section 1007.3103-5 is revised as follows:

##### § 1007.3103-5 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104-4 of this title.

2. Sections 1007.3103-7 and 1007-3103-8 are deleted and the following substituted therefor:

##### § 1007.3103-7 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

##### § 1007.3103-8 Safety and accident prevention.

Insert the clause set forth in § 1007-4047 of this Part.

3. In § 1007.3103-9, paragraph (b) of the clause is revised as follows:

##### § 1007.3103-9 Bonds.

(b) *Performance bond.* If the contract price exceeds \$2,000, the Contractor further agrees to furnish a performance bond with good and sufficient surety or sureties acceptable to the Government in connection with the performance of work under this contract on Standard Form 25 or Standard Form 27. Unless otherwise stated in the Schedule the penal sum of such performance bond shall be 100 percent of the contract price.

4. Section 1007.3103-11 is added as follows:

##### § 1007.3103-11 Title to Government buildings and appurtenances.

If any work required by this contract involves the repair, alteration, or renovation of any building or other structure, such building or structure, and any property removed therefrom, shall be subject to the provisions of paragraphs (c), (f), and (h), of the clause of this contract entitled "Government-furnished Property," and paragraph (e) as revised by this clause but shall not be considered Government-furnished property within the meaning and for the purposes of any other provisions of that clause. For the purposes of this clause, the following shall be substituted for paragraph (e) of the clause entitled "Government-furnished Property": "The Contractor shall maintain and protect the building or structure required to be repaired, altered, or renovated under this contract, and any property removed therefrom, in accordance with sound industrial practice."

#### Subpart FF—Clauses for Bakery Products Contracts

1. Sections 1007.3203-6 and 1007.3203-16 are revised as follows:

##### § 1007.3203-6 Default.

Insert the clause set forth in § 8.707 of this title.

##### § 1007.3203-16 Termination for convenience of the Government.

Insert the clause set forth in §§ 8.701 or 8.705 of this title, as appropriate.

#### Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

1. Sections 1007.3303-4 and 1007.3303-11 are revised as follows:

##### § 1007.3303-4 Default.

Insert the clause set forth in § 8.707 of this title.

##### § 1007.3303-11 Termination for the convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

##### § 1007.3303-12 [Deletion]

2. Section 1007.3303-12 is deleted.

#### Subpart HH—Clauses for Dairy Products Contracts

1. Section 1007.3403-6 is revised as follows:

##### § 1007.3403-6 Default.

Insert the clause set forth in § 8.707 of this title.

2. In § 1007.3404-3, the introductory paragraph is now paragraph (a), and a paragraph (b) is added, as follows:

##### § 1007.3404-3 Milk bottles.

(b) If the purpose of the procurement is to procure milk for commissary resale, insert the following clause:

##### MILK BOTTLES

The unit price of the glass containers furnished by the contractor for the delivery of milk hereunder shall be set forth separately in the schedule. The contractor shall bill the Government for the price of the products delivered plus the price of the glass containers. The contractor shall pick up the reusable glass containers at the Commissary Store periodically at the request of the Commissary Officer, and shall refund to the Government in cash, or check payable to the Commissary Officer, the aggregate value of the picked up reusable containers. This value shall be computed at the respective unit container prices specified in the schedule.

#### Subpart II—Clauses for Packing and Crating Contracts

1. Sections 1007.3503-6 and 1007.3503-16 are revised as follows:

##### § 1007.3503-6 Default.

Insert the clause set forth in § 8.707 of this title.

##### § 1007.3503-16 Termination for convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

#### Subpart JJ—Clauses, Special Provisions, and Specifications for Contracts for Care of Remains

1. Sections 1007.3604-7 and 1007.3604-8 are revised as follows:

##### § 1007.3604-7 Termination for convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

##### § 1007.3604-8 Default.

Insert the clause set forth in § 8.707 of this title.

2. In § 1007.3606-1, paragraph (a) (4) of Specification F is revised as follows:



**§ 1007.3606-1 Reprocessing remains at zone of interior.**

\* \* \* \* \*

**SPECIFICATION F—CARE OF REMAINS**

(a) \* \* \*

(4) Cleansing of reusable metal transfer case shall be accomplished when contractor removes the remains therefrom. Contractor shall return such cases to a location on the base as directed by the contracting officer.

**Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts**

1. Section 1007.3706 is revised as follows:

**§ 1007.3706 Required clauses and arrangements; contracts for more than \$2,400.**

The following clauses and provisions will be inserted in all negotiated utility service contracts which involve a connection charge, or are for an estimated annual cost of more than \$2,400, or both. In addition to the requirements for approval in § 1001.457 of this chapter, utility service contracts for a period of more than 1 year will be submitted for approval as specified in § 1001.461 of this chapter, and any desired deviations from the clauses set forth in this Part should be submitted in advance or concurrently according to § 1001.109 of this chapter. Any utility service contract involving a connection charge of \$5,000 or more, including the agreed salvage value (see § 1007.3709-2) or a termination charge of \$5,000 or more, will be submitted for review and approval to the Commander, AMC, attn: MCPC.

**Subpart NN—Special Clauses**

1. In § 1007.4051, paragraph (c) of the clause in paragraph (a) is deleted; paragraph (b) is revised, as follows:

**§ 1007.4051 Special provisions relating to Air Force equipment upon which work is to be performed.**

\* \* \* \* \*

(b) *Definite quantity contracts.* The clause set forth in paragraph (a) of this section, with the addition of a paragraph (c) set forth in this paragraph, will be inserted in all definite quantity contracts in which items are furnished by the Government for repair or modification to such items. The Schedule will identify the "Air Force equipment upon which work is to be performed" as distinct from Government-furnished property to be used in the performance of such work.

(c) In the event the Air Force equipment furnished for repair or modification is not delivered to the Contractor by the time or times specified in the schedule, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price,\*\* or both and any other contractual provision affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

\*\*Change "contract price" to "estimated cost, fixed fee" if the contract is of a cost-reimbursement type.

**Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities**

1. In § 1007.4205-9, paragraph (a) is revised as follows:

**§ 1007.4205-9 Patent clauses.**

(a) *Reporting of royalties.* According to the requirements of § 9.110 of this title, insert the clause set forth therein.

**§ 1007.4205-10 [Amendment]**

2. In § 1007.4205-10, the reference § 7.103-14 is changed to read "§ 6.104-5 of this title".

3. Section 1007.4207-10 is revised as follows:

**§ 1007.4207-10 Disputes.**

Insert the applicable clause according to § 1007.4205-8.

4. Section 1007.4207-14 is revised as follows:

**§ 1007.4207-14 Notice to the United States Government of labor disputes.**

Insert the clause set forth in § 7.104-4 of this title.

5. Sections 1007.4207-21 and 1007.4208-3 are deleted and the following substituted therefor:

**§ 1007.4207-21 Safety and accident prevention.**

Insert the clause set forth in § 1007.4047 of this chapter.

**§ 1007.4208-3 Reporting of royalties.**

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

**Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts**

1. Section 1007.4503-7 is revised as follows:

**§ 1007.4503-7 Default.**

Insert the clause set forth in § 8.707 of this title.

1a. Section 1007.4503-10 is added as follows:

**§ 1007.4503-10 Notice to the Government of labor disputes.**

Insert the clause set forth in § 7.104-4 of this title.

2. Section 1007.4503-15 is deleted and the following substituted therefor:

**§ 1007.4503-15 Termination for convenience of the Government.**

Insert the clause set forth in § 1007.2103-16. If the contract provides for separate reimbursement of parts or materials the following paragraph (d) will be substituted for paragraph (d) of § 1007.2103-16:

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or

amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which may be agreed upon to be paid to the Contractor pursuant to profit on work done, provided the contract terms do not otherwise prohibit the allowance of profit on any items thereunder. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

**§ 1007.4503-23 [Deletion]**

3. Section 1007.4503-23 is deleted.

4. Section 1007.4504-2 is deleted and the following substituted therefor:

**§ 1007.4504-2 Data and copyrights.**

According to the requirements of Subpart B, Part 9 of this title, and Subpart B, Part 1009 of this chapter, insert the appropriate clause set forth therein.

5. Section 1007.4504-3 is added as follows:

**§ 1007.4504-3 Utilization of concerns in labor surplus areas.**

According to the requirements of § 7.104-20 of this title, insert the clause set forth therein.

6. Section 1007.4504-7 is revised as follows:

**§ 1007.4504-7 Reporting of royalties.**

According to the requirements of § 9.110, of this title insert the clause set forth in § 9.110(b) of this title.

7. Section 1007.4504-10 is revised as follows:

**§ 1007.4504-10 Examination of records.**

When the contract results from negotiation, insert the clauses set forth in § 7.104-15 of this title. Contracts resulting from advertising will not contain this clause. See also § 1007.4504-8.

**§ 1007.4505-1 [Deletion]**

8. Section 1007.4505-1 is deleted.

**Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul and Modification Contracts**

1. Section 1007.4603-11 is revised as follows:

**§ 1007.4603-11 Excusable delays.**

Insert the clause set forth in § 8.708 of this title.

2. Section 1007.4604-2 is revised as follows:

**§ 1007.4604-2 Reporting of royalties.**

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

**Subpart UU—Clauses for Time and Materials Type Maintenance, Overhaul and Modification Contracts**

1. Section 1007.4703-6 is revised as follows:

**§ 1007.4703-6 Excusable delays.**

Insert the clause set forth in § 8.708 of this title.

2. Section 1007.4703-9 is added as follows:

**§ 1007.4703-9 Notice to the Government of labor disputes.**

Insert the clause set forth in § 7.104-4 of this title.

3. Section 1007.4704-4 is revised as follows:

**§ 1007.4704-4 Data and copyrights.**

According to the requirements of Subpart B, Part 9 of this title and Subpart B, Part 1009 of this chapter, insert the appropriate clause set forth therein.

4. Section 1007.4704-5 is added as follows:

**§ 1007.4704-5 Limitations on withholding payments.**

According to the requirements of § 7.104-21 of this title, insert the clause set forth therein.

5. Section 1007.4704-21 is added as follows:

**§ 1007.4704-21 Utilization of concerns in labor surplus areas.**

According to the requirements of § 7.104-20 of this title, insert the clause set forth therein.

**§ 1007.4705-1 [Deletion]**

6. Section 1007.4705-1 is deleted.

**Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFOTC Personnel at Civilian Colleges and Universities**

1. Section 1007.4803-11 is revised as follows:

**§ 1007.4803-11 Termination for the convenience of the Government.**

Insert the clause set forth in § 8.705 of this title.

**Subpart XX—Clauses for Food Service Contracts**

1. In § 1007.5003-7, paragraph (c) of the clause is revised as follows:

**§ 1007.5003-7 Record and charge for meals served.**

(c) The Contractor will maintain a separate meal attendance record, AF Form 1251, for Contractor personnel. The Contractor shall not invoice or be paid for meals served Contractor personnel. The Contractor will credit to the Government the amount charged for all meals served to Contractor personnel. The rate of charge for such meals shall not exceed the rate established for the same meals pursuant to (b) above.

2. Sections 1007.5005, 1007.5005-1 and 1007.5006 are added as follows:

**§ 1007.5005 Schedule clauses (not mandatory outside United States).****§ 1007.5005-1 Changes in price based on variation from estimate.**

The following clause shall be used in Contractual Feeding Contracts as prescribed in § 1053.1806(c) of this chapter.

**CHANGE IN PRICE BASED ON VARIATION FROM ESTIMATE**

(a) If the actual number of meals served under this contract, to other than contractor personnel, varies from the number of meals estimated (in accordance with (b) below) to be served during any calendar month, the price paid the contractor for meals served in that month shall be adjusted in accordance with the following formula:

If actual meals served during month is following percent of estimated meals for month—	Price for meals served will be the following percent of basic contract price subject to the limitations in Column 3	Total payment shall not—
70-84-----	112	Exceed 84% est reqmts×108% basic price.
84-92-----	108	Exceed 92% est reqmts×104% basic price.
92-100-----	104	Exceed est reqmts ×basic price.
100-110-----	94	Be less than est reqmts×basic price.
110-120-----	93	Be less than 110% est reqmts×94% basic price.
120-130-----	92	Be less than 120% est reqmts×93% basic price.

(b) Adjustments in price by reason of this clause will be made at the end of each calendar month for the meals served during that month. The basis for determining the estimated number of meals to be served in a given month will be obtained by dividing the total estimated number of meals for the entire contract period by the total number of days in that period and multiplying the results by the number of days in the month involved.

(c) If the number of meals served in any calendar month (to other than contractor personnel) varies from the estimated requirements for that month by more than 30 percent of such requirements, the Contractor and the Contracting Officer will negotiate an equitable adjustment in the contract price for that month in the manner provided in the Changes clause of this contract.

**§ 1007.5006 Specifications.**

The following specifications shall be used in Food Service Contracts.

(a) **Facilities.** All kitchens, dining halls and food processing facilities, and all property used by the contractor in the performance of this contract shall be kept in a clean and sanitary condition in accordance with AFR 160-91 and Chapter 3 of AFM 146-6.

(b) **Personnel.** Food handlers, dining hall and food processing facility attendants, and other personnel coming in contact with materials, subsistence, or facilities used by the contractor in the performance of this contract will comply with provisions of AFR 160-91 in maintaining the required standard of cleanliness.

(c) **Waste disposal.** Sanitary and waste disposal will be handled in accordance with AFR 160-91.

(d) **Requisition of food.** (1) Based on the number of rations required, the Con-

tractor will requisition food on AF Form 1548, "Ration Request," in accordance with paragraph 8d of AFR 146-6. Under normal conditions, food is requisitioned five (5) days prior to usage. AF Form 1548 will be prepared and issued in triplicate. The original and one copy will be submitted to the Food Service Officer who will process this form in accordance with AFR 146-6. The Food Service Officer will assist the Contractor in estimating daily ration requirements. Emergency request for rations will also be made on AF Form 1548.

(2) The Contractor will receive food issued as listed on AF Form 287, "Field Ration Issue Slip," which will be transmitted to the Contractor with the delivery of food. He will sign this form and retain one copy for his file, returning the original copy to the Food Service Officer. Emergency rations issued will be issued in accordance with the same procedure.

(3) The Government will only be responsible for furnishing the vehicle and driver for transportation of subsistence from point to point. The Contractor will be responsible for loading, security in transit, unloading, and placing subsistence in proper storage.

(4) Surplus subsistence in storage will be disposed of as directed by the Food Service Officer. The Contractor will execute DD Form 1150, "Request for Issue or Turn-In," upon disposal, retaining one copy for his record and delivering the original copy with the surplus food.

(5) The Food Service Officer will consolidate pastry bakery requirements on AF Form 1548 and issue these requirements to the pastry kitchen on AF Form 287. Items of pastry furnished dining halls will be accounted for on DD Form 1150. This form will be issued in triplicate; one copy will be retained by the pastry kitchen, one receipted copy retained in the dining hall, and the original receipted copy will be forwarded to the Food Staff Officer. The copies retained in the pastry kitchen and dining hall may be disposed of on receipt of audit certificate. The pastry kitchen will be required to furnish pastry items for the contractor-operated dining halls. Government transportation will be furnished for delivery of pastry items.

(e) **Preparation and serving of food.** (1) Serving of prepared foods will be conducted in accordance with paragraph 4(d), AFR 146-3 and AFR 160-91.

(2) Unused and remaining food will be handled in accordance with paragraph 4(d), AFR 146-3 and AFR 160-91.

(3) Personnel operating the meat processing plant and pastry bakery will comply with AFM 146-6 and paragraph 5, T.O. 41B1-1-121.

(4) Records and accounts for the pastry kitchen, meat plant and field ration dining halls will be maintained by the Contractor in accordance with AFR's 146-6, 146-14 and 146-15. Pastry storage and issue will be in accordance with Section III and IV of T.O. 41B1-1-121.

(5) The Food Staff Officer will consolidate meat requirements from AF Form 1548 and issue those requirements to the central meat processing plant on AF Form 287. After meat items have been processed, they will be issued to kitchens and dining halls concerned on AF Form 1150. This form will be made up in triplicate in the central meat processing plant. It will include the name of the item, the weight in pounds and number of containers. This will include the rendered fat within the authorized allowance, which will be delivered direct to the kitchen from the meat processing plant. Transportation will be furnished by the Government for the delivery of processed items. The original and duplicate of DD Form 1150 accompanying the delivery are both receipted in the kitchen. The triplicate is retained at the central meat processing plant. The duplicate receipted copy will be retained in the kitchen and the

original forwarded to the Food Staff Officer. The duplicate and triplicate copies (retained by the Contractor in the kitchen and meat processing plant) may be disposed of upon receipt of audit certificate. The meat processing plant will be required to process meat requirements for the contractor-operated dining halls.

(f) *Menus and special lunches.* (1) The Contractor will adhere to the Master Menu (AFR 146-1) for the current month, as modified by the Base Menu Board. A Contractor's representative will be present at Base Menu Board meetings.

(2) Using Government-furnished packing materials, the Contractor will prepare and pack box lunches using issued field subsistence as directed by the Food Service Officer, who will certify to their preparation and issuance. Such lunches will be added to the head count of meals served the day such lunches are issued and be listed on AF Form 1251, "Daily Attendance Record," as "meals served."

(3) The same procedure set forth in paragraph (b) above will be used in authorizing, preparing, and counting hot meals prepared for consumption away from the site of work.

(4) Using Government-furnished packing materials, the Contractor will prepare and pack flight meals as described in AFR 146-16. The menu guide for flight meals in AFR 146-16 will be followed. Flight meals will be prepared and packed on the basis of written instructions received from the Food Service Officer or his authorized representative. The Food Service Officer will specify the menu to be used, and the Contractor will be paid for the total number of flight meals prepared and packed. A separate account will be maintained for flight meals prepared and packed. The same sanitary standards of preparation and food handling will apply to flight meals as other types of food handling.

**NOTE:** Government contract pre-packaged in-flight lunches (1-F7 or equivalent) will not be construed as Contractor-prepared or served, and no reimbursement will be made to the Contractor for their issue as in-flight meals prepared and/or served.

(g) *Conservation procedure.* The Contractor shall follow the procedures for conservation of food, waste disposal and sanitation as set forth in paragraph 4(d), AFR 146-3. Should the Contractor desire to follow different procedures, he shall obtain the written approval of the Contracting Officer prior to placing such procedures in effect.

(h) *The forms and directives*

(Legend)

AF Form—Air Force Form.  
DD Form—Department of Defense Form.  
T.O.—Technical Order.  
AFR—Air Force Regulation.  
AFM—Air Force Manual.  
AFP—Air Force Pamphlet.

(1) The following forms are authorized and directed for use in the performance of this contract for the purpose indicated.

*Form No. and Title*

- (1) AF Form 147, Field Ration Dining Hall Stock Record.
- (2) AF Form 1548, Ration Request.
- (3) AF Form 287, Field Ration Issue Slip.
- (4) AF Form 679, Cook's Work Sheet.
- (5) AF Form 1251, Daily Attendance Record.
- (6) DD Form 1150, Request for Issue or Turn-in.
- (7) AF Form 1054, Daily Control Sheet—Meat Processing Plant Record.
- (8) DD Form 157, Production Record and Summary of Stores.
- (9) AF Form 1255, Meal and Ration Record.

(10) AF Form 148, Senior Cook's Requisition.

(2) If, during the time of performance of this contract, any of the above-listed forms are amended or superseded by a substitute form, such amended or superseded form shall be used in lieu of the above-listed form when directed by the Contracting Officer.

(3) Unless otherwise directed by the Contracting Officer, any form used, the original of which has been transferred to the Government, may be disposed of after audit of the Contractor's account.

(1) *Preventive maintenance of equipment—(a) Maintenance of equipment—(1)* First echelon preventive maintenance for kitchen, food processing facilities, and dining hall equipment will be accomplished by the Contractor as required by AFM 146-8.

(2) Second echelon preventive maintenance for dining hall and food processing equipment will be performed by the Government.

(3) The Contractor will follow AFM 85-5 in carrying out its responsibilities regarding inspection, lubrication, and maintenance of tools, equipment, and facilities used by it.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

[SEAL] CHARLES M. McDERMOTT,  
Colonel, U.S. Air Force, Deputy  
Director of Administrative  
Services.

[F.R. Doc. 59-6512; Filed, Aug. 6, 1959;  
8:47 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER P—MINING

#### PART 173—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA; FOR MINING

#### Payments, Annual Rentals and Expenditures for Development on Mining Leases Other Than Oil and Gas

On page 948 of the FEDERAL REGISTER of February 7, 1959, a notice to amend §§ 173.13 and 173.16 of 25 CFR was published. The purpose of the amendments is to change a reference in § 173.13 to its new number and in § 173.16 to get uniformity in the regulations fixing the annual rental and expenditures for development in tribal mining leases other than oil and gas.

Interested persons were given 30 days from the date of publication of the notice in the FEDERAL REGISTER as an opportunity to submit their views, data, and arguments concerning the proposed amendments to the Commissioner of Indian Affairs. No objections were received within the specified period.

The proposed amendments to 25 CFR, §§ 173.13 and 173.16, are adopted, without change, and are set forth below. These amendments are effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,  
Acting Secretary of the Interior.  
AUGUST 3, 1959.

1. Section 173.13(a) is amended to delete "§ 195.4" and insert in lieu thereof "§ 173.4".

2. The headnote and the present text of § 173.16 are amended to read as follows:

§ 173.16 Annual rentals and expenditures for development on mining leases other than oil and gas.

The provisions of § 171.14 of this subchapter, or as hereafter amended, are applicable to leases under this part.

(Sec. 6, 41 Stat. 753, sec. 6, 44 Stat. 659)

[F.R. Doc. 59-6501; Filed, Aug. 6, 1959;  
8:46 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

#### PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

#### Domestic Relations Questions, Restoration to Rolls and Conflict of Laws

In § 13.402, paragraphs (a), (b) (2) and (3), and (d) are revised to read as follows:

§ 13.402 Domestic relations questions, restoration to rolls, and conflict of laws.

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the Chief Attorney is authorized to prepare and release legal opinions on all questions submitted relating to the validity and legal effect of marriages (ceremonial or otherwise), divorces, annulments, ostensible marriages (void or voidable), adoptions, and legitimacy.

(b) In the following instances the Chief Attorney may refer the request to the General Counsel, through channels, or may prepare a tentative opinion, forwarding same for consideration of the General Counsel as provided in § 14.501 (b) of this chapter:

(2) Where there is doubt as to whether the remarriage of the widow was void or voidable;

(3) Cases involving domestic relations in which there are contesting claims;

(d) The Chief Attorney will forward to the General Counsel without opinion questions relating to the resumption of benefits in the following types of cases:

(1) Where the remarriage of a widow was voidable and a decree of annulment was received by the Veterans Administration on or before December 31, 1957.

(2) Where the marriage of a child was void or voidable.

(Sec. 210, 72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 7, 1959.

[SEAL] SUMNER G. WHITTIER,  
Administrator of Veterans Affairs.

[F.R. Doc. 59-6538; Filed, Aug. 6, 1959;  
8:51 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Reclamation, Department of the Interior

#### PART 412—PROCEDURES FOR DETERMINING ELIGIBILITY TO RECEIVE WATER, COLUMBIA BASIN PROJECT, WASHINGTON

A notice of intention to issue regulations prescribing the procedures for determining eligibility of lands of the Columbia Basin Project, Washington, to receive water was published in the *FEDERAL REGISTER* of April 30, 1959 (24 F.R. 3375). Interested persons were invited to submit, within 30 days of that date, comments, suggestions or objections with respect to the proposed regulations, the text of which appeared with the notice. No comments, suggestions or objections have been received. However, § 412.7 has been administratively revised to provide hearings on actions taken to cancel water rights. This was considered by representatives of the water users on the Columbia Basin Project and they endorsed this revision.

The proposed regulations as revised and set forth below are hereby adopted and will become effective upon publication in the *FEDERAL REGISTER*.

ELMER F. BENNETT,  
*Acting Secretary of the Interior.*

AUGUST 3, 1959.

Sec.	Purpose.
412.1	Definitions; addresses.
412.3	Review of water applications by Project Manager.
412.4	Favorable action on application.
412.5	Unfavorable action on application.
412.6	Request for hearing.
412.7	Cessation or suspension of delivery of water or cancellation of right to receive water; order to show cause; answer.
412.8	Notice of hearing.
412.9	Prehearing conferences.
412.10	Postponements.
412.11	Authority of Examiner.
412.12	Evidence.
412.13	Transcripts and fees.
412.14	Findings and conclusions; decision by examiner; submission to Secretary for decision.
412.15	Appeal to Secretary.
412.16	Service.
412.17	Basis for decision; record.
412.18	Official notice.
412.19	Extensions of time.
412.20	Computation of time.
412.21	Regulations governing practice before the Department.
412.22	Power of the Secretary.
412.23	Effect of decision pending appeal.

**AUTHORITY:** §§ 412.1 to 412.23 issued under sec. 8, 57 Stat. 20; 16 U.S.C. 835c-4.

##### § 412.1 Purpose.

The regulations in this part prescribe the procedures for determining eligibility to receive water on the Columbia Basin Project, Washington, and supplement the regulations in Part 404 of this chapter.

##### § 412.2 Definitions; addresses.

(a) As used in this part the term "Project Manager" means the Project

Manager, Columbia Basin Project, Bureau of Reclamation. Communications should be addressed to Project Manager, Bureau of Reclamation, Post Office Box 368, Ephrata, Washington.

(b) As used in this part the term "Secretary" means the Secretary of the Interior or his authorized representative. Communications should be addressed to Secretary of the Interior, Washington 25, D.C.

##### § 412.3 Review of water applications by Project Manager.

(a) The Project Manager shall review each application for water filed with him pursuant to Part 404 of this chapter. On the basis of the application and such other information as may be available, he shall initially determine whether the farm unit or units covered by the application are eligible to receive water for that irrigation season.

##### § 412.4 Favorable action on application.

If the Project Manager determines that the farm unit or units covered by an application are eligible to receive water, he shall place the unit or units on the project's eligibility list so that the applicant may be informed thereof.

##### § 412.5 Unfavorable action on application.

If the Project Manager determines that the farm unit or units covered by an application are not eligible to receive water, he shall notify the applicant by letter sent registered or certified mail, return receipt requested. In the letter to the applicant, the Project Manager shall set forth the reasons for his determination and shall inform the applicant of his right to answer and to request a hearing before an examiner if the request is made within the period prescribed in § 412.6. Also, any lessees or mortgage holders who are listed on the application or who have notified the Project Manager of their interest should be notified of such action.

##### § 412.6 Request for hearing.

(a) If the Project Manager has determined that the farm unit or units covered by an application are not eligible to receive water, the applicant may request in writing that there be a hearing on the application before an examiner. The applicant shall not be entitled to a hearing unless such a written request is filed with or mailed to the Project Manager within 30 days after receipt of the letter informing the applicant of the determination of the Project Manager. The applicant shall accompany his request with a statement of the reasons why he believes that the farm unit or units are eligible to receive water.

(b) If, after receipt within the appropriate period of time prescribed in paragraph (a) of this section of a written request for a hearing on an application before an examiner and upon consideration of the statement of reasons made by the applicant, the Project Manager concludes that the farm unit or units are eligible to receive water, he shall notify the applicant, lessees and mortgage holders by letter, otherwise, the Project

Manager shall transmit the application, his letter to the applicant, and the applicant's request and reply to an examiner for hearing, and so notify the applicant.

##### § 412.7 Cessation or suspension of delivery of water or cancellation of right to receive water; order to show cause; answer.

(a) In addition to the determinations to be made pursuant to §§ 412.4 and 412.5 and at any time if the Project Manager determines that, under the Columbia Basin Project Act or the regulations issued thereunder, or the recordable contracts executed pursuant to that act, it is improper to deliver water to a farm unit or units, or that the right of the lands to receive water should be cancelled, as provided in the project act and recordable contracts, he shall issue an order to show cause why delivery of water should not be withheld, stopped or suspended or the right of the lands to receive water cancelled. The order shall be sent certified mail, return receipt requested, to the owner of the farm unit or units or to the contract purchaser if there is one.

(b) The order to show cause shall state the facts and the specific provisions of the Columbia Basin Project Act, the regulations, or the recordable contracts which constitute the reasons for the conclusion that it is improper to deliver water, or that the right of the lands to receive water should be cancelled. The order shall also inform the person to whom it is issued of the provisions of paragraph (c) of this section.

(c) Within 30 days after receipt of the order to show cause, the person to whom it was sent must file with or mail to the Project Manager an answer, in duplicate, to the order. Failure to answer as required will be taken as an admission that it would be improper, for the reasons stated in the order to show cause, to deliver water to the farm unit or units covered by the order, or an admission that for those reasons, the right of the lands to receive water should be cancelled, as the case may be. If, after receipt of the answer, the Project Manager is satisfied that no reason exists to withhold, stop or suspend the delivery of water or to cancel the right of the lands to receive water, he shall withdraw the order to show cause and notify the person of the withdrawal. Otherwise, the Project Manager shall forward a copy of the order to show cause and the answer to an examiner for hearing, and shall so notify the owner or contract purchaser. Lessees and mortgage holders should also be furnished a copy of the order to show cause for their information.

##### § 412.8 Notice of hearing.

The examiner to whom a matter is referred by the Project Manager pursuant to § 412.6 or § 412.7 shall fix a place and date for the hearing and notify the applicant or the person to whom the order to show cause was issued and the Project Manager at least 30 days in advance of the date set. The private party and the

Project Manager may request or consent to an earlier date. The notice shall include (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted.

#### § 412.9 Prehearing conferences.

(a) The examiner may in his discretion, on his own motion or on motion of the private party or of the Project Manager, direct the parties or their representatives to appear at a specified time and place for a prehearing conference to consider: (1) The simplification of the issues, (2) the necessity of amendments to the pleadings, (3) the possibility of obtaining stipulations, admissions of facts and agreements to the introduction of documents, (4) the limitation of the number of expert witnesses, and (5) such other matters as may aid in the disposition of the proceedings.

(b) The examiner shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admission or agreements. Such order shall control the subsequent course of the proceedings before the examiner unless modified for good cause by subsequent order.

#### § 412.10 Postponements.

(a) Postponements of hearings will not be allowed upon the request of the private party or of the Project Manager except upon a showing of good cause and proper diligence. A request for a postponement must be served upon all parties to the proceeding and filed in the office of the examiner at least 10 days prior to the date of the hearing. In no case will a request for postponement served or filed less than 10 days in advance of the hearing or made at the hearing be granted unless the party requesting it demonstrates that an extreme emergency occurred which could not have been anticipated and which justifies beyond question the granting of a postponement. In any such emergency, if time does not permit the filing of such request prior to the hearing, the request may be made orally at the hearing.

(b) The request for a postponement must state in detail the reasons why a postponement is necessary. If a request is based upon the absence of witnesses, it must state what the substance of the testimony of the absent witnesses would be. No postponement will be granted if the adverse party or parties file with the examiner within 5 days after the service of the request a statement admitting that the witnesses on account of whose absence the postponement is desired would, if present, testify as stated in the request. If time does not permit the filing of such statement prior to the hearing, the statement may be made orally at the hearing.

(c) Only one postponement will be allowed to a party on account of the absence of witnesses unless the party requesting a further postponement shall at the time apply for an order to take the

testimony of the alleged absent witnesses by deposition.

#### § 412.11 Authority of examiner.

The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, to administer oaths, to call and question witnesses, to take and cause depositions and interrogatories to be taken, and to make a decision. So far as is not inconsistent with a prehearing order, the examiner may seek to obtain stipulations as to material facts and the issues involved and may state any other issues on which he may wish to have evidence presented. He may exclude irrelevant issues.

#### § 412.12 Evidence.

(a) All oral testimony shall be under oath and witnesses shall be subject to cross examination. The examiner may question any witness. Documentary evidence may be received if pertinent to any issue. The examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial.

(b) Objections to evidence will be ruled upon by the examiner. Such will be considered, but need not be separately ruled upon in a decision on appeal. Where a ruling of an examiner sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded testimony, and the objecting party may then make an offer of proof in rebuttal.

#### § 412.13 Transcripts and fees.

(a) Each private party and the Government, acting through the Project Manager will be required to pay the reporter's fees for the respective testimony of their witnesses, except that:

(1) If the decision is adverse to the private party he must pay all of the reporter's fees and the examiner will notify him of the amount assessed at the time he announces his decision.

(2) If the decision is adverse to the Government, the private party will be relieved of payment of any reporter's fees.

(3) If the private party files with the examiner 15 days before a hearing an affidavit supporting a request that the private party is financially unable to pay for reporter's fees, the examiner may, in his discretion, approve such request and relieve the private party from payment of any reporter's fees.

(b) Each party must pay for any copies of the transcript obtained by him.

#### § 412.14 Findings and conclusions; decision by examiner; submission to Secretary for decision.

(a) At the conclusion of the testimony the parties at the hearing shall be given a reasonable time by the examiner, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law and reasons in support thereof or to stipulate to a waiver of such findings and conclusions.

(b) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner shall make findings of fact and conclusions of law (unless waiver has been stipulated), giving the reasons therefor, upon all the material issues of fact, law, or discretion presented on the record. The examiner may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each proposed finding and conclusion submitted by the parties and such ruling shall be shown in the record. The examiner will render a written decision in the case which shall become a part of the record and shall include a statement of his findings and conclusions, as well as the reasons or basis therefor, and his rulings upon the findings and conclusions proposed by the parties if such rulings do not appear elsewhere in the record. A copy of the decision will be served upon all parties to the case.

(c) The Secretary may require, in any designated case, that the examiner make only a recommended decision and that the decision and the record be submitted for consideration. The recommended decision shall meet all the requirements for a decision set forth in paragraph (b) of this section. The decision by the Secretary shall be the final decision and shall include such additional findings and conclusions as do not appear in the recommended decision and the record shall include such rulings on proposed findings and conclusions submitted by the parties as have not been made by the examiner.

#### § 412.15 Appeal to Secretary.

(a) Any party, including the Project Manager, may appeal from the decision of the examiner to the Secretary as provided in this section.

(b) A person other than the Project Manager who wishes to appeal to the Secretary must file with or mail to the Project Manager a notice that he wishes to appeal. The notice of appeal must identify the case and must be filed with or mailed to the Project Manager within 30 days after the person taking the appeal received the decision he is appealing from. No extension of time will be granted for filing this notice. A notice of appeal which is filed late will not be considered and the case will be closed. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make. An appeal by the Project Manager shall be effective only if the Project Manager advises the other party within 30 days from the date of decision of such appeal.

(c) If the notice of appeal did not include a statement of the reasons for the appeal, such a statement must be filed with or mailed to the Secretary within 30 days after the notice of appeal is filed or mailed. An appeal may be summarily dismissed for failure to mail or file the statement of reasons within the time required. In any case the appellant will be permitted to file with the Secretary additional statements of reasons and written arguments or briefs within the



30-day period after he mailed or filed the notice of appeal.

(d) The appellant must serve a copy of the notice of appeal and any statements of reasons, written arguments or briefs on each opposite party not later than 15 days after filing the document. An appeal may be summarily dismissed for failure to serve within the time required.

(e) If any party served with notice of appeal wishes to reply, he must file an answer within 30 days after receipt of the notice of appeal or statement of reasons where such statement was not included in the notice of appeal. If new or additional reasons are filed by the appellant the adverse party shall have 30 days after receipt thereof within which to answer them. The answer must state the reasons why the answerer thinks the appeal should not be sustained. Answers must be filed with or mailed to the Secretary, and must be served upon appellant not later than 15 days thereafter. Failure to answer will not result in default. If an answer is not filed and served within the time required, it may be disregarded in deciding the appeal.

(f) The decision by the Secretary shall be final and copies of the decision will be mailed to the interested parties. The Secretary may, before rendering a decision, remand any case for further hearing if he considers such action necessary to develop the facts.

#### § 412.16 Service.

(a) Wherever the regulations in this part require that a copy of a document be served upon a person, service may be made by delivering the copy personally to him or by sending the document by registered or certified mail, return receipt requested, to his address of record in the Bureau.

(b) In any case service may be proved by an acknowledgment of service signed by the person to be served. Personal service may be proved by a written statement of the person who made such service. Service by registered or certified mail may be proved by a post office return receipt showing that the document was delivered at the person's record address or showing that the document could not be delivered to such person at his record address because he had moved therefrom without leaving a forwarding address or because delivery was refused at that address or because no such address exists. Proof of service of a copy of a document should be filed in the same office in which the document is filed except that proof of service of a notice of appeal should be filed in the office of the Secretary if the proof of service is filed later than the notice of appeal.

(c) A document will be considered to have been served at the time of personal service, of delivery of a registered or certified letter, or of the return by the post office of an undelivered registered or certified letter.

(d) In all cases where a party is represented by an attorney, service of any document relating to the proceeding may be made upon such attorney and will be deemed to be service on the party he represents. Where a party is represented

by more than one attorney, service upon one of the attorneys shall be sufficient.

#### § 412.17 Basis for decision; record.

The record of a hearing shall consist of the transcript of testimony, the exhibits, together with all papers and requests filed in the hearing. The record made shall be the sole basis for decision, except to the extent that official notice may be taken as provided in § 412.18.

#### § 412.18 Official notice.

Official notice may be taken of the contents of the approved plats of survey and other public records of the Department of the Interior and of any matter of which the courts may take judicial notice. Where a decision in a case in which a hearing has been held rests upon official notice of a material fact relating to an issue upon which the hearing was held, the decision will so state and will allow any party upon request to have an opportunity to show to the contrary. Such request must be filed and served within the time and in the manner prescribed in the decision. Where a decision or recommendation has rested upon such official notice and has afforded the parties an opportunity to show to the contrary, no further opportunity to show to the contrary will be allowed.

#### § 412.19 Extensions of time.

(a) With the exception of the time fixed for filing a notice of appeal, a Project Manager, or an examiner, respectively, may extend the time for filing or serving any document that is to be filed with him.

(b) A request for an extension of time must be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

#### § 412.20 Computation of time.

In computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed from or answered was received or the day of any other event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, Federal legal holiday, or other non-business day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other non-business day. When the time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, Federal legal holidays, and other non-business days shall be excluded in the computation.

#### § 412.21 Regulations governing practice before the Department.

Every individual who wishes to practice before the Department of the Interior, must comply with the requirements of Part 1 of this title.

#### § 412.22 Power of the Secretary.

Nothing in this part shall be construed to deprive the Secretary of any power conferred upon him by law.

#### § 412.23 Effect of decision pending appeal.

A decision pursuant to § 412.7 will not be effective during the time in which a person adversely affected may file a notice of appeal, and the timely filing of such notice of appeal will suspend the effect of the decision appealed from pending the decision on appeal. However, when the public interest requires, the person to whom an appeal may be or is taken may provide that a decision or any part of it shall be in full force and effect immediately. The Project Manager shall recommend to the examiner when submitting an order to show cause pursuant to § 412.7(c) whether the decision shall be suspended pending the examiner's decision. The Secretary may so order an appeal from the examiner.

[F.R. Doc. 59-6506; Filed, Aug. 6, 1959; 8:46 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 59-797]

### PART 3—RADIO BROADCAST SERVICES

#### Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the provisions of section 315 of the Communications Act of 1934, as amended, the provisions of the above-captioned rules, and its Public Notice of October 1, 1958 (FCC 58-936) containing, in question and answer form, interpretations and interpretive opinions with respect to said section 315 and Commission rules; and

It appearing that paragraph (d) of the above-captioned rules provides as follows:

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years;

And

It further appearing that said interpretations and interpretive opinions require clarification and supplementation in order that candidates for public office and broadcast licensees may be more fully informed as to their rights and obligations under section 315 and the rules and in order to insure the orderly and expeditious disposition of requests submitted to such licensees and to the Commission for "equal opportunities" under said section of the Act and under said rules; and

It further appearing that the rules proposed to be adopted herein are interpretive and clarifying in nature; that they deal with agency procedure and

practice; that, pursuant to section 4(a) of the Administrative Procedure Act, proposed rule making is not required; and that, pursuant to section 4(c) of the Administrative Procedure Act, said rules may be made effective immediately; and

It further appearing that the Commission's authority to adopt the proposed amendments to its rules is contained in sections 4(i), 303(r) and 315(c) of the Communications Act of 1934, as amended;

It is ordered, That §§ 3.120, 3.290, 3.590 and 3.657 are amended so that the following paragraphs are added to each of said sections:

(e) *Time of request.* A request for equal opportunities must be submitted to the licensee within one week of the day on which the prior use occurred.

(f) *Burden of proof.* A candidate requesting such equal opportunities of the licensee, or complaining of non-compliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

(Sec. 4, 48 Stat. 1066, as amended. Interprets or applies sec. 303, 315; 48 Stat. 1082, 1088; 47 U.S.C. 303, 315)

It is further ordered, That the above amendments shall be effective August 10, 1959:

Released: July 31, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6513; Filed, Aug. 6, 1959;  
8:48 a.m.]

[FCC 59-838]

## PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

## PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### Radiotelephony for Navigational Communication

1. This proceeding is in consequence of a formal petition dated April 29, 1958, for reconsideration of the Commission's Report and Order of April 2, 1958, filed by the Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area (hereinafter called J.E.C.) supported by the Pacific American Tankship Association (letter of May 28, 1958) and by the American Merchant Marine Institute, Inc. (letter of June 10, 1958), and in consideration of related developments which have occurred since that time, including promulgation by the Radio Technical Commission for Marine Services (RTCM) of its Special Committee No. 39 Report (SC-39), adoption by the United States Government of its Proposals for revision of Articles 28 and 34 and Appendix 12 of the International Radio Regulations of Atlantic City, 1947, and recent deliberations of the Safety of Navigation Committee of the United States Pre-

paratory Committees for the Safety of Life at Sea Conference, 1960.

2. The Commission's Report and Order of April 2, 1958 (FCC 58-320), relative to radiotelephony for navigational communication, was in response to both the comments received by the Commission as a result of its Notice of July 30, 1957 (FCC 57-832), and to the first petition filed in this matter by the J.E.C. under date of November 27, 1957. The stated objective of the Commission's Notice of July 30, 1957, was to elicit information as to rule amendments that would encourage the early voluntary use of "bridge radiotelephone" (radiotelephone communication between ships) in the interest of increasing safety of navigation. Accordingly, J.E.C.'s petition of November 27, 1957, requested assignment of a frequency and certain rule amendments to facilitate the installation of a bridge-to-bridge VHF radiotelephone system in the Delaware River and Bay area.

3. In its petition of April 29, 1958, J.E.C. "noted with satisfaction" that the Commission's Report and Order of April 2, 1958, "did adopt Petitioner's request (contained in J.E.C.'s first petition) that the proposed Delaware River system be operated without requirements for operator permits and without the use of official call signs". However, other requests contained in its first petition, according to Petitioner's latest filing, "have been completely denied" or "have been adopted in a form incompatible with the safety objective". Petitioner states also that the Commission's Report and Order "appears to be contrary to the general sense" of the comments filed in response to the Commission's Notice of July 30, 1957, and to J.E.C.'s initial petition "in the most important areas", and that the Commission's action would "almost certainly have an effect directly opposite from that sought".

4. Further, "J.E.C. confirms that the program it is sponsoring has merit and should be more thoroughly reviewed by the Commission". J.E.C. is "certain that there has been a misunderstanding" and in its petition for reconsideration attempts "to explain more clearly what it believes to be sound and basic reasons behind the requests that were made in its original Petition". On the other hand J.E.C. believes that "perhaps the Commission's Report and Order is not sufficiently clear to the petitioner".

5. Considering first the various misunderstandings reported by Petitioner, it is observed from the instant petition that:

The Commission's total denial of the shipping industry's almost unanimous recommendation that any bridge-to-bridge navigational aid be accomplished by using single channel equipment (is) most difficult to understand.

Petitioner further states that "it is aware of the Commission's long standing policy of discouraging the use of single channel equipment in the 156 Mc to 162 Mc maritime mobile band (except in the case of low powered equipment) and takes no exception to this policy as it is applied to the concept of a VHF (Very High Frequency) communications system".

It should be noted, however, that the Commission's policy does not discourage or prevent the use of single channel "equipment". The correct term in this concept is "station" instead of "equipment". The distinction is basic and significant. It is common knowledge among radio engineers that an individual single-channel radio transmitter, or an individual single-channel radio receiver, or any individual unit containing such a transmitter and receiver, may be described briefly as "equipment" or "apparatus". On the other hand, a "station" is defined by § 8.2(f) of the Commission's rules as "A separate radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a definite radio-communication service". The Commission's policy, apparently misunderstood by petitioner, is reflected in paragraph (c) of § 8.106 of the Commission's rules. The final and pertinent sentence of that paragraph is as follows:

The requirement of this paragraph (multi-channel ship station capability) in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

In consequence, it is clear that the Commission's policy in this respect, while prohibiting the use of single channel ship stations in this VHF band, has not prevented or discouraged the use of single channel equipment as part of a multi-channel ship station. Nothing in the Rules of the Commission prohibits or has prohibited compliance by a VHF ship station with § 8.106(c) by use, for example, of a dual-channel transmitter-receiver unit operable on 156.8 Mc and 156.3 Mc at one location on the ship, and (at a different location on the same ship, if desired) an entirely separate single-channel transmitter-receiver unit operable on 156.6 Mc or, under the present developmental § 8.805(a), 156.65 Mc for developmental bridge-to-bridge communication (in lieu of 156.6 Mc for ship-shore communication). This procedure clearly permitted the installation and use of the single-channel equipment considered necessary for the developmental program which would meet all technical and operational features enumerated by petitioner. Hence, the Commission did not reject the shipping industry's recommendation that a bridge-to-bridge "navigational aid" be provided by using single channel "equipment". Instead, the Commission's rules, as amended in response to J.E.C.'s first petition, simply provided that the multi-channel VHF system be continued in force for all VHF licensed ship stations until the single channel VHF system had been proven, under developmental licenses, effective in actual practice for the contemplated purpose. In this connection, present § 8.805(b) provides:

In the case of ship stations, if desired, the regular minimum VHF channel requirements pursuant to Rule § 8.106(c), including a ship-shore channel in this band, may be authorized under regular ship station license (either existing or new installation) with a sup-

plemental developmental license for the same ship issued to cover trial operation on 156.65 Mc.

As provided by § 8.805(a), the frequency 156.65 Mc could be substituted under developmental license for the otherwise required ship-shore channel. An additional element of advantage in the trial operation of a bridge-to-bridge communication system on 156.65 Mc under developmental ship station licenses, not mentioned by Petitioner, is the fact that use of the VHF calling frequency 156.8 Mc is not required as an adjunct to intership communication on 156.65 Mc, and both calling and working can be carried out on the latter channel. (Commission § 8.366(b)(3)). Hence, it appears that J.E.C. may have failed to understand fully the reason for the Commission's requirement that shipboard developmental station installations for trial use of a single VHF channel in the maritime VHF multi-channel frequency band would, in each case, have to be complemented by the additional minimum number of VHF channels necessary for that station to become a part of the only maritime multi-channel system in the VHF portion of the spectrum. In prescribing this requirement, the Commission, in the absence of an acceptable showing of a need to act otherwise, merely continued to uphold its long-sustained and well publicized policy of not authorizing or recognizing any basic deviation from effective safety radio systems within its jurisdiction, unless experimental or developmental operation has successfully demonstrated that such deviation would be a sound course of action. Consequently, in furtherance of this policy the Commission has, to date, firmly sustained its multi-channel system requirement for all ship stations (including developmental stations) licensed in the 156-157 Mc marine frequency band. Moreover, it is noted that J.E.C. "takes no exception to this policy as it is applied to the concept of a VHF communication system—" and understands that "the reason for the present VHF multi-channel requirement is to insure that those gaining a general usage benefit from the use of marine radio share safety responsibility with others".

6. The following statement of petitioner, because it concerns fundamental concepts of radio station and service classification relative to section 303 (a), (b), (c), and (r) of the Communications Act, is of special interest in this proceeding:

It is believed that confusion has arisen because the proposed navigational aid is being thought of as a communication system. The proposed system is primarily a navigational aid and the use of radiotelephone is only incidental to its method of operation. It could conceivably operate visually, or by some other method; for the present, however, radiotelephone appears to offer the only practical solution.

J.E.C.'s conclusion that the proposed system is primarily a navigational aid, in advance of operational experience under the conditions stipulated, appears to be somewhat premature. In any event, telephony is the sole method of radio-communication immediately proposed

for use and this is defined by Commission § 8.7(g) as "A system of telecommunication set up for the transmission of speech, or in some cases, other sounds". On the other hand, examination of possible classification of this facility as a "navigational aid" reveals the following aspects. The most nearly related existing station classification under Commission rules would seem to be "radionavigation mobile station" which is defined by § 8.4(k) to mean "A station in the radionavigation service intended to be used while in motion or during halts at unspecified points". Proceeding further, a progressive analysis of this concept, with reference successively to paragraphs (k), (h), (b), (a), and (g) of § 8.4, reveals that "radionavigation service" means "A service involving the use of determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves intended solely for the determination of position or direction or for obstruction warning, in navigation". Admittedly, the most appropriate description and classification of various radio navigational aids is a matter for further study as exemplified by the attention being given this subject by the U.S. Preparatory Committees for the 1959 Administrative Radio Conference. Petitioner has not yet established to the satisfaction of the Commission that "bridge-to-bridge telephony" is in fact a "navigational aid" as distinguished from "telephony" used as a medium for the exchange of information relative to navigation. Petitioner has requested authorization for use of a frequency in the band 156-157 Mc. In accordance with the International Radio Regulations, this band is allocated by the Commission for use by ship stations in the maritime mobile service. The fact that Petitioner proposes that the purported "navigational aid" operate in this band because in its opinion, this band was "an unavoidable choice" is not in itself sufficient justification for reallocation at this time of any frequency in this band to the maritime radionavigation service in order to accommodate Petitioner's designation of the desired facility as a "navigational aid".

7. Considering Petitioner's apparent further misunderstanding, that "it is difficult indeed to see how the Commission can justify" its "discriminatory policy \* \* \* against the use of portables on the bridge-to-bridge channel", it is observed that the pertinent rules (not specifically identified by J.E.C.) adopted in response to the first petition would, as interpreted by J.E.C., (1) permit the use of portable stations on board ship primarily by authorized pilots only, (2) require dual channel capability for such stations if the plate input power exceeded 3 watts, and (3) prohibit the use of portables as permanent stations on this channel (156.65 Mc) even when the plate input power did not exceed 3 watts. Petitioner's interpretation of the Commission's rules applicable to these matters does not agree with the Commission's interpretation. With reference to preceding interpretation (1), pursuant to present § 8.805, paragraph (d) (3)—

—operation of developmental stations on the particular frequency 156.65 Mc on board ship shall, without exception, be by and under the control of the master or duly authorized navigating personnel of the ship, including authorized pilots, as designated by the master.

The term "stations" as used therein did not exclude stations of a portable nature. Since the master or duly authorized navigating personnel of the ship are not necessarily "authorized pilots", this rule provision did not require operation of such stations "primarily only by authorized pilots". No other rule provision is apparent which would have restricted such operation (solely because of the portable nature of the station) primarily to authorized pilots and no element of discrimination is perceived. With reference to preceding interpretation (2), present § 8.805(a) provides that—

licenses for limited ship stations (developmental) will authorize operation, as a minimum (except for low-power portable stations pursuant to rule § 8.106(e)) on 156.8 Mc, 156.3 Mc, and 156.65 Mc in lieu of the normally required ship-shore channel. In the case of VHF portable ship stations for use primarily by authorized pilots (plate input power in excess of 3 watts), these may be authorized under developmental licenses authorizing, as a minimum, only two channels, 156.8 Mc and 156.65 Mc \* \* \*

In essence, this rule provision prescribes that any VHF portable ship station having a plate input power in excess of 3 watts must be capable of operation on at least the three specified channels except that only two-channel (dual-channel) capability is required if the station is used primarily by authorized pilots. Hence, the effect of any "discrimination" that may be reflected by this provision merely serves to facilitate use of the equipment by authorized pilots. With reference to preceding interpretation (3), there is no discrimination apparent in the purported prohibition against the use of portable stations as "permanent" stations on board ships irrespective of frequency or power. This regulatory provision applies to all stations of a portable nature used aboard ship as is evident from reference to long-established § 8.71 of the Commission's rules.

8. Considering Petitioner's obvious misunderstanding regarding the alleged "subordination of navigational communications to all other communications", as evidenced by Petitioner's statement that " \* \* \* it is difficult to understand why the navigational communications proposed by J.E.C. should be assigned 'no priority' and made subordinate to all other communications regardless of the nature of such communications", it is observed that J.E.C. has reference to § 8.805(a) adopted April 2, 1958, which, among other things, provides that—

In all instances, transmission on 156.65 Mc is subject to the condition, with reference to rule §§ 7.504(c) and 8.434(c), that harmful interference is not caused to the operation of stations regularly licensed in an established service \* \* \*

This rule provision is not directed to the matter of priority of types of communication; it simply distinguishes between

established uses of radio and developmental or experimental uses, and assigns priority, solely from the point of view of harmful interference, to established radio services. This represents a firm regulatory policy which has been enforced for many years to protect specific radio functions, already recognized as serving the public interest, from possible interference caused by developmental or experimental operation. Although experimental or developmental stations serve the public interest by way of providing technical data or operational information of value concerning establishment of a possible new function or service, or improvement of an existing service, it is generally conceded that they must not cause harmful interference to established services. This policy is in accordance with section 303 (f), (g), and (r) of the Communications Act and International Radio Regulations 55, 380, 1009, and 1015 of Atlantic City, 1947. Petitioner seems unaware of the fact that the stations proposed to be licensed for single-channel trial bridge-to-bridge communication would, at the outset, be solely in the experimental or developmental category, and that the order of priority of communications prescribed by Commission §§ 7.181(b) and 8.177(b) would apply equally and without discrimination to all such stations as a class licensed to operate on the developmental channel involved.

9. Petitioner advises that proposed use of the "split-channel" frequency 156.65 Mc poses difficult problems in the use of portable equipment. The problems in this respect would seem to be insufficient receiver selectivity and consequent interference from an adjacent channel whose carrier frequency would be 50 kc higher or lower than that of the proposed bridge-to-bridge radiotelephone channel. The question of interference in this type of operation is related to radiated power from transmitting stations, carrier frequency stability, frequency deviation in modulation, audio-frequency band width, and geographic separation of stations, as well as receiver selectivity mentioned by Petitioner. J.E.C. is of the opinion that the receiver selectivity of "presently available" (April, 1958) portable equipment is inadequate for use in split-channel service (50 kc carrier separation of adjacent channels). In assigning the frequency 156.65 Mc for developmental bridge-to-bridge communication, however, the Commission gave due consideration to all related technical factors based upon adopted international standards as well as the result of comparable VHF operation in the several domestic land mobile services utilizing channel separations of the order of 50 kc or less. Attention is invited to the fact that the technical operating conditions prescribed by the Commission's rules for bridge-to-bridge communication were generally comparable to those specified by Recommendation No. 223 of the Eighth C.C.I.R. (International Radio Consultative Committee), Warsaw, 1956, and by the International Maritime VHF Radiotelephone Conference of the Hague, 1957. Accordingly, the Commis-

sion does not agree with J.E.C. that "It would therefore, be unwise to attempt the use of presently available portable equipment on the 156.65 Mc channel", especially when one of the objectives of the developmental program would, as seen from the Commission's point of view, be a determination of the operational feasibility of providing the desired exclusive channel in the future, possibly by allocation of 156.65 Mc or some other currently unassigned 50 kc "mid-channel" in this band if such allocation would not then be at variance with applicable International Radio Regulations.

10. Finally, Petitioner refers to the time required for the proposed developmental program and reports that it does not believe its members or the industry in general would "react favorably to the establishment of this or any other service on a developmental basis with an unrealistic cut-off date (June 30, 1959) such as adopted in the Commission's Report and Order". Petitioner's concept of a "cut-off" date is reflected by its further reference to a "technically sound program whose demise is spelled out to the exact date". An examination of the Commission's Report and Order of April 2, 1958, and associated Rules fails to disclose any reference to June 30, 1959 as a "cut-off" date or as a date of "demise" of the Petitioner's proposed developmental program. J.E.C. presumably had in mind the statement appearing in paragraph 10 of that Order, as well as the text of associated §§ 7.602(a) and 8.805(a), which reads in part:

Developmental stations \* \* \* may be authorized to operate for a continuous period, from the date of license grant to and including June 30, 1959, without the necessity of license renewal during this period.

Since Commission rules (§§ 7.65(c) and 8.63(d)) provide that developmental licenses for coast and ship stations are issued normally on a temporary basis for a period not exceeding one year, the quoted rule provision, in effect, waived the normal license period in favor of an extended period for such developmental licenses as might be issued before June 30, 1958 in behalf of the bridge-to-bridge communication program and established a common expiration date for all such licensees in order to facilitate Commission action concerning possible renewal of those licenses. This distinction is the only apparent difference between administration of this developmental program and other developmental programs in other fields.

11. As set forth in the first paragraph of this Report and Order, certain pertinent developments which merit attention have occurred since the instant petition was filed with the Commission. The event believed most significant concerning the general subject of bridge (VHF intership) radiotelephone communication was the adoption and promulgation by RTCM of its report on "Installation Of Bridge-to-Bridge Direct Radiotelephone Communication" (SC-39) under date of November 18, 1958, concluding a special study by that body which had been in progress since July 1957. RTCM is an established organization well known

to the maritime radio interests of the United States. Briefly, it is a cooperative association of U.S. Government and non-government marine telecommunication agencies. Its constitution, bylaws, proceedings, and numerous technical reports have been given wide publicity and distribution among maritime and government interests. Its findings are in the nature of coordinated recommendations to all United States organizations concerned and are open to public inspection as desired. It is not an official agency of the Government, however, and its recommendations may not be regarded as statements of official government policy unless so enunciated by the respective government agency having statutory jurisdiction of the matters to which RTCM recommendations relate.

12. RTCM Special Committee 39 (SC-39), which conducted the necessary studies and prepared the text of this most recent RTCM report on bridge radiotelephony, was composed of 46 members including its chairman, a member of the Federal Maritime Board. Of these members, 20 were associated with commercial shipping interests of the United States, including Pacific American Steamship Association, National Fisheries Institute, Inc., American Pilots' Association, Lake Carriers' Association, J.E.C., American Merchant Marine Institute, Inc., and Pacific American Tankship Association. It is observed that the two last-named have, as previously mentioned herein, supported the instant petition of J.E.C. Of the remaining 26 members, 8 were associated with commercial radio interests, 3 were associated with maritime labor organizations, one was a member of U.S. Power Squadrons (non-commercial), one was a retired shipmaster, and 13 were members of various U.S. Government agencies, including the Coast Guard (Treasury Dept.), the Maritime Administration, and this Commission. During the course of its studies, SC-39 solicited and received written opinions relative to its problem from 723 masters of United States vessels. Among other things, the RTCM through formal adoption<sup>1</sup> by its Executive Committee of the SC-39 Report, recommends that—

If early voluntary evaluation and implementation of bridge-to-bridge radiotelephone by vessels of the United States is desired, the FCC Regulations should

(a) Designate a specific VHF frequency which may be used for navigational exchanges in open waters, inland waters, and in port areas;<sup>2</sup>

(b) Authorize exemption from multi-channel requirement for equipment operating only on a single frequency if the equipment is authorized solely for navigation and scene-of-action purposes, and provided the ship station is fitted with and authorized for other maritime mobile service frequencies or equipment to meet the general and safety communication needs of the vessel.

<sup>1</sup> An action from which the representative of the Federal Communications Commission, because of the instant petition, abstained.

<sup>2</sup> The carrier frequency 156.3 Mc has been available under the Commission's rules for such use between ships, among other usage, for several years.



13. As already explained in paragraph 5 of this Report and Order, it has been permissible under the Commission's rules to install and use single-channel (156.65 Mc) VHF equipment as desired by J.E.C. provided additional VHF equipment for operation in the same frequency band is installed on the same ship as part of the multi-channel VHF communication system. We observe, however, that the owners of U.S. flag ocean-going vessels subject to compulsory radio installations (other than VHF) have not felt the "economic need" to install a VHF radiotelephone (multi-channel) system to supplement the present compulsory installations (SC-39, pages 5 and 14). The position of the ocean shipowners appears to be that the installation of VHF multi-channel equipment is a matter related to economics of vessel operations. The introduction of multipurpose VHF harbor systems in European ports (SC-39, Attachment III, No. 2) is a move which should "help to encourage" the fitting of multi-channel equipment. However, the U.S. owners of ocean-going ships "have not shown much interest in the European systems to date and there are none planned for U.S. ports." (SC-39, page 6). Although multi-channel VHF equipment has been available for several years, the "economic and operational return to ocean shipowners" apparently has not yet been found sufficient to result in any significant number of installations on ocean vessels (SC-39, page 16). Although the cost of maintenance and repair for contemplated inter-bridge communications, single or multiple channel, should not be excessive if the devices conform to the simple, relatively rugged construction and design considerations normally utilized in marine engineering (SC-39, page 11), the first cost of a multi-channel VHF ship station is of course somewhat higher than that of a single-channel station. Further, the use of a multi-channel ship station on an ocean-going merchant vessel, other than the particular bridge-to-bridge channel, appears to involve certain inviolable operating conditions not present in the use of a single-channel VHF station limited in use to navigational communication (SC-39, pages 10 and 11). Thus, there is no real assurance that any progress could be expected if we are to wait for VHF shipboard installations to be made for purposes other than single-channel bridge-to-bridge communication (SC-39, page 16). Consequently, in order to accomplish this single function, it is not believed necessary by ocean shipowners to fit their vessels with a secondary multi-purpose, multi-channel radiotelephone system (SC-39, page 6). Hence, we can conclude only that the industry desires, before proceeding to install developmental single-channel VHF ship stations, relief from the requirement for conformance to the VHF multi-channel standard by the installation on shipboard of additional equipment (at least two channels) either on the bridge, in the radio room, or elsewhere on the ship. This situation, and not any regulatory prohibition against single-channel "equipment", seems to be the primary reason why Pe-

titioner's bridge radio-telephone evaluation project has been subjected to delay.

14. The maritime mobile radio service is recognized generally as a means primarily for promoting safety at sea. The multi-channel system, wherein a calling frequency and separate working frequencies common to all ship stations of the system are used, has been established and continuously used in this service almost since its inception. World-wide experience over the years has shown the effectiveness of this system, especially during emergencies. In respect to telephony, the system is perhaps best illustrated by its successful use (on both 2 Mc and VHF) during the last several years on the Great Lakes for intership navigational and safety communication. The multi-channel system for VHF operation, although not yet required by the International Radio Regulations, has been endorsed by the principal maritime nations of Europe (International Maritime VHF Radiotelephone Conference, the Hague, 1957). Further, the Commission has received a formal resolution adopted by the Dominion Marine Association and the Lake Carriers Association at Ottawa, Canada, under date of January 19, 1959, urging the governments of Canada and the United States "to continue in force all rules and regulations requiring that vessels licensed for operation in the maritime mobile radio-telephone service be equipped with multi-channel shipboard equipment." Accordingly, the Commission is reluctant to recognize what might be a premature deviation, even on a developmental basis, from this proven system, and to justify such recognition we believe that a compelling need in reference to the statutory standard of public interest should be evident. Petitioner probably has evolved such a need, in a sense, in view of its firm stand that if the early adoption of bridge-to-bridge communication "is to be encouraged" it is "necessary" that the Commission "authorize use of single-channel equipment of adequate power (including portables) on the navigational channel without attempting to tie it into the 156-162 Mc communication system with its multi-channel concept \* \* \*". Preferably a compelling need based on other factors should be discernible.

15. More than two and one-half years have passed since the House Committee on Merchant Marine and Fisheries, in its January 3, 1957, report on the safety aspects of the collision between the vessels "Andrea Doria" and "Stockholm," invited attention to the safety value of bridge-to-bridge radiotelephone communication and advised that this was a subject appropriate for study "as a prelude to carrying the subject to the international level for consideration and action". World-wide adoption of frequencies and regulations for international maritime VHF usage is expected to be on the agenda of the International Radio Conference to revise the 1947 Radio Regulations beginning in August of this year. Discussion of the possible value or use of bridge radiotelephony is anticipated during the Safety of Life at Sea Conference in the late spring of 1960.

While much attention has been given this subject by RTCM and by United States Preparatory Committees, it appears that to date the United States has obtained very little, if any, related practical experience in seaboard and ocean areas. Hence, the element of time and the importance of the matter impels the Commission to take whatever related action may be reasonable and proper at the earliest possible moment.

16. Evaluation of VHF bridge-to-bridge radiotelephony as used on the Great Lakes reveals a considerable degree of effectiveness. Nonetheless, such evaluation has not as yet developed certain information deemed essential to the resolution of problems concerning ship identification in conjunction with the use of radar, and the foreign language problem. The latter may become more prominent on the Great Lakes as more foreign ships utilize the St. Lawrence Seaway. Accurate radar vessel identification is a problem clearly recognized in technical studies made by RTCM, electronic devices looking toward a solution are described in its associated reports, and the electronic industry is seeking a solution to this identification problem (SC-39, pages 3 and 4). There is no reason apparent to the Commission why all of the industry efforts to solve these difficult problems should, in this country, be made in the Great Lakes area only. Despite the demonstrated navigational value of multi-channel VHF bridge telephone installations on the larger Great Lakes ships, a large number of ships in that area are not yet so equipped. Possibly the element of cost acts as a deterrent. As stated in the House Committee Report of January 3, 1957, more voluntary installations of bridge radiotelephones on ocean-going U.S. ships will provide needed experience, and should encourage foreign ships to make such installations and thereby facilitate evaluation of the language problem. As a consequence of RTCM activity, a need has been expressed by many shipmasters and navigators for the ability to exchange navigational information by voice with nearby ships, especially in pilot waters.

17. A fundamental question exists as to whether trial operation of bridge-to-bridge telephony on an international basis will demonstrate that radiotelephony (as a means of exchanging navigational intelligence by speech) will be practicable in view of possible language barriers and national differences in nautical parlance. If it proves unworkable, then some other radio technique for exchanging this navigational information may be developed. Hence, it cannot be predicted at this time whether the proposed facility should in fact be accommodated on one of the radiotelephone channels in an established maritime mobile service frequency band, or on a channel in some other band available for radio aids to marine navigation. In the event telephony should fail to prove effective for navigational purposes, then the question of the calling and working system of communication would of course become irrelevant. Accordingly, the Commission is of the opinion that the latter question may well be held



in abeyance pending the outcome of early international conferences and anticipated trial operation of the single-channel facility over an extended period, and that a continued requirement for multi-channel ship stations for this developmental project would, at this time, not contribute directly to the kind of information desired. Moreover, the multi-channel requirement is now generally conceded to be a distinct economic deterrent in reference to achieving early installations on a large number of ocean-going vessels. Therefore, the Commission concludes that in the interest of encouraging the larger and more effective use of radio pursuant to section 303(g) of the Communications Act, its rules should be amended so as to permit, under certain stipulated conditions, the authorization and use of developmental ship stations capable of operation on a single VHF channel only. In line with this amendment, the rules should be amended also to permit a maximum authorized transmitter power of 15 watts as initially suggested by J.E.C.

18. Cognizance is taken of Petitioner's misunderstandings, discussed previously herein, regarding interpretations of Commission rules relative to (a) use of portable stations and (b) priority of operation of stations regularly licensed in an established service on other channels over developmental operation on 156.65 Mc, as well as Petitioner's concern over (c) the possible technical problems of split-channel assignments and (d) the purported "unrealistic cut-off date of June 30, 1959" adopted in the Commission's Report and Order of April 2, 1958. It is not possible to determine from Petitioner's filing whether these particular matters would have delayed or prevented progress to date in the described project, if at the same time the multi-channel station requirement had not been imposed. Additional information concerning these matters is not found in the RTCM SC-39 Report or the proceedings of the U.S. Preparatory Committees for the international conferences, except that the committees dealing with telecommunication apparently did not regard "split-channel" operation (50 kc carrier separation in the 156 Mc band) as a problem of serious magnitude.

19. Petitioner requests also that a more realistic period be allowed for authorization, purchase, installation, trial, and evaluation of the "proposed navigational aid", with assurance that if the program does prove successful it could be continued and carried forward on a regularized basis. On the latter point, the administrative policy long established by the Commission requires that any new kind of radio facility or service proposed for recognition and regulation by the Commission, if not based upon an existing and established technique that can be evaluated in reference to the statutory standard of public interest, must undergo the necessary developmental process to establish pertinent facts before it can be considered for recognition on a regular basis. The limitations of sections 303(r), 307 (d), (e), and 309(d) of the Communications Act do not permit the Commission to give unqualified

"assurance" to any radio service or group of licensees that they will be "carried forward" upon expiration of licenses "on a regularized basis". The normal expiration date of April 1, 1961 for initial developmental licenses which would authorize the use of 156.65 Mc as provided in the attached rules is based upon time factors relative to the scheduled Safety at Sea Convention, 1960, and the effective date of the International Radio Regulations to be revised the latter part of this year by the Geneva Radio Conference.

20. Petitioner invites the Commission's attention to the necessity of preserving, on an international basis at the 1959 International Radio Conference, a channel which can be assigned in the manner it has suggested. Subsequent to petitioner's instant filing, the U.S. Preparatory Committees for this Conference have, in response to RTCM and industry recommendations, considered this subject and appropriate proposals for revision of Articles 28 and Appendix 12 of the International Radio Regulations of Atlantic City, 1947, have been adopted by the United States Government for presentation at the Conference.

21. Other matters not specifically requested by Petitioner but believed desirable or necessary by the Commission are covered in the attached rules. These are listed herewith:

(a) To facilitate and expedite progress in this developmental project, the special requirement, contained in the rules as adopted April 2, 1958, that type-accepted equipment only would be acceptable for developmental licensing, has been deleted. This restores developmental licenses in respect to the frequency 156.65 Mc to the same category that exists normally under the Commission's rules for all developmental station licenses granted under Parts 7 and 8 of these rules.

(b) For developmental ship stations, communication on the 156.65 Mc channel specifically includes authority for ship-to-ship communication for receiving or rendering assistance "at the scene of any maritime emergency". (§ 8.434(d) (1) (i).) This is in accordance with Petitioner's discussion of the subject and explanation of the objectives sought to be attained.

(c) Applicants otherwise eligible for limited coast station licenses (developmental) for operation on 156.65 Mc will not be eligible to hold such licenses if their eligibility is based solely upon the provision of subparagraph (4), paragraph (a) of § 7.351 inasmuch as the frequency 156.65 Mc is not authorized for obtaining information "essential to furnishing a ship arrival and departure service". (§ 7.501(b).)

(d) Required station records of operation on the 156.65 Mc channel must be retained by each licensee for a minimum period of three years from date of entry unless otherwise directed by the Commission. Previously, the rules prescribed a concluding date for this requirement which coincided with the initial license expiration date. Extension of the retention period is believed desirable to provide opportunity for

more complete evaluation of the results of such operation on 156.65 Mc as may occur pursuant to the amended rules.

(e) The limiting date of December 31, 1960 for acceptance of applications for developmental operation on 156.65 Mc is prescribed in the attached rules. In consideration of the developmental or trial nature of the bridge radio-telephone program, the Commission believes that the number of U.S. stations to be authorized for this program should be sufficient by that date to achieve the desired evaluation. In the event conditions at that time should require an extension of this date, the Commission will duly consider the matter at that time.

22. In view of the fact that the data to be accumulated under the developmental station operation for which provision is herein made is necessary for use at the Administrative Radio Conference of the International Telecommunication Union beginning August 17th of this year and at the 1960 Conference to revise the International Convention for Safety of Life at Sea, and the fact that the Commission has heretofore had the benefits, as described herein, of extensive public comment concerning radiotelephony for navigational communication, and the further fact that the rule amendments herein ordered are temporary in nature, it is considered to be impracticable and unnecessary to comply with the rule making procedures set forth in section 4 (a) and (b) of the Administrative Procedures Act. For the same reasons and because the rule amendments herein ordered relieve a restriction, compliance with section 4(c) of the Administrative Procedure Act is not required. *Therefore, it is ordered*, That effective August 7, 1959, and pursuant to sections 303 (g) and (r) of the Communications Act, as amended, Parts 7 and 8 of the Commission's rules are amended as set forth below. *It is further ordered*, That, insofar as the rule amendments herein adopted are in accord with the rule amendment suggestions and requests for additional Commission actions contained in J.E.C.'s petition for reconsideration of April 29, 1958, the petition for reconsideration is hereby granted, and in all other respects the petition for reconsideration is hereby denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 29, 1959.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

A. Part 7 is amended as follows:

1. Section 7.501 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 7.501 Supplemental eligibility.

(a) An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are

eligible to operate such stations on a regular basis.

(b) The provisions of § 7.351(a)(4), in respect to use of a limited coast station or a marine-utility station for obtaining information essential to furnishing a ship arrival and departure service, shall not apply in determining eligibility for a limited coast station license (developmental) to operate on the radio channel of which the authorized carrier frequency is 156.65 Mc.

2. Section 7.503 is amended by adding a new paragraph (d) as follows:

**§ 7.503 Assignable frequencies.**

(d) In addition to the authorized carrier frequencies designated in § 7.356 for use by limited coast stations, the frequency 156.65 Mc may be licensed as an authorized carrier frequency for use exclusively by developmental land stations for operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information with developmental ship stations. Each such station is classified on a temporary basis, pursuant to paragraph (g) of § 7.3 and paragraphs (a) and (d) of § 7.6, as a "limited coast station (developmental)", employing telephony by means of frequency modulation for transmission and reception on the same radio channel, subject to and in accordance with the provisions of Subpart E of this part except that, unless the station authorization provides otherwise, the maximum authorized transmitter power shall be 15 watts (for both installed and portable stations, and frequency deviation at 100 per cent modulation shall not exceed 15 kc.

3. Section 7.504 is amended by revising the existing texts of paragraphs (a), (b) and (c) and by adding a new paragraph (d) as follows:

**§ 7.504 Use of developmental stations.**

(a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization, in paragraph (d) of this section, or in other sections of this subpart.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization, by paragraph (d) of this section, or by other sections of this subpart.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations regularly licensed in an established service under any part of the Commission's rules, nor to the service of any United States Government station or any foreign station which, in the discretion of the Commission, may

have priority on the frequency or frequencies used for the service to which interference is caused.

(d) The following provisions apply to each limited coast station (developmental) licensed specifically to use the radio channel of which the authorized carrier frequency is 156.65 Mc when such station is operating on this radio channel:

(1) Communication is authorized with ship stations operating on this radio channel, including foreign ship stations, for transmitting or receiving information concerning maritime radiolocation or for communication essential for the current passage of a ship or ships through locks, bridge areas, and government controlled waterways.

(2) Communication is authorized for brief tests with ship stations, if requested by such stations, solely to determine whether the developmental ship station equipment is in effective operating condition.

4. Section 7.506 is amended by designating the first full paragraph following the title of the section as paragraph (a), by designating existing paragraphs (a) through (f) as subparagraphs (1) through (6), and by adding a new paragraph (b) as follows:

**§ 7.506 Report of operation required.**

(a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(1) The final objective of the developmental operation.

(2) Pertinent results of operations to date.

(3) Analysis of the results obtained.

(4) Copies of any published reports.

(5) Need for continuation of the program if such need exists.

(6) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

(b) The following supplementary provisions apply to the operation of each limited coast station (developmental) on the radio channel of which the authorized carrier frequency is 156.65 Mc:

(1) Station records shall be maintained as required by §§ 7.115, 7.192, and 7.370 except that all such records shall, unless otherwise directed by the Commission, be retained by the licensee for a period of not less than three years from date of entry.

(2) A report on the results of the developmental program shall be filed by each licensee, or by one or more such licensees acting jointly as a coordinated group, within 60 days of the expiration of each developmental station license. Additionally, such reports shall be filed

within 30 days of January 1, 1960, in respect to licensees whose first developmental coast station for this purpose shall have been authorized not less than 3 months before January 1, 1960; and within 30 days of April 1, 1960 in respect to licensees whose first developmental coast station for this purpose shall have been authorized not less than 3 months before April 1, 1960; and within 30 days of September 1, 1960, in respect to licensees whose first developmental coast station for this purpose shall have been authorized not less than 3 months before September 1, 1960.

**§ 7.508 [Deletion]**

5. The text of § 7.508 is deleted in its entirety.

6. Subpart M of Part 7 is amended by adding new §§ 7.508 and 7.509 as follows:

**§ 7.508 Initial period of license for operation on 156.65 Mc.**

Irrespective of paragraph (c) of § 7.65, each initial license for a limited coast station (developmental), which authorizes operation on the radio channel of which the authorized carrier frequency is 156.65 Mc, shall be issued on a temporary basis for a period normally beginning when granted by the Commission and normally ending at 3:00 a.m., e.s.t. on April 1, 1961. This provision, however, shall not preclude the granting of applications under this subpart for special temporary station authorizations in accordance with § 7.41 to expire prior to April 1, 1961.

**§ 7.509 Time limit on filing of initial applications for operation on 156.65 Mc.**

Applications for developmental limited coast station licenses to authorize, initially, operation on the radio channel of which 156.65 Mc is the authorized carrier frequency may not be filed after December 31, 1960. Any such application received by the Commission after that date will be returned to the applicant as provided by § 7.27.

NOTE: If, in the discretion of the Commission, a need develops for extension of this time limit on filing this category of application, the Commission will take such action in the matter as it then deems appropriate.

**§ 7.602 [Deletion]**

7. The text of § 7.602 is deleted in its entirety.

B. Part 8 is amended as follows:

1. Section 8.431 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

**§ 8.431 Supplemental eligibility.**

(a) An authorization for developmental operation of a station on board ship in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

(b) Eligibility for limited ship station license (developmental) to operate on the radio channel of which the authorized carrier frequency is 156.65 Mc, in respect to the classes of ships on which such stations may be used, is limited to commercial transport vessels (including

pilot boats) and vessels of municipal or state governments, and, provided a sufficient showing of need therefor is made, other vessels; and further provided, that each such vessel shall be deemed eligible to use this class of station (either installed or portable) only when there is installed on board the same vessel an operable ship radio station licensed for telegraphy in the band 415 to 515 kc (including operation on 500 kc), or for telephony in the band 1600 to 3500 kc (including operation on 2182 kc) or in the band 156.25 to 157.45 Mc (including operation on 156.8 Mc, on 156.3 Mc, and on at least one ship-shore channel in this band or developmentally on 156.65 Mc).

2. Section 8.433 is amended by adding a new paragraph (d) as follows:

**§ 8.433 Assignable frequencies.**

(d) In addition to the authorized carrier frequencies designated in §§ 8.351 and 8.359 for use by ship stations, the frequency 156.65 Mc may be licensed as an authorized carrier frequency for use exclusively by developmental mobile stations for operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information. Each such station is classified on a temporary basis, pursuant to paragraph (f) of § 8.3 and paragraphs (a) and (c) of § 8.5, as a "limited ship station (developmental)", employing telephony by means of frequency modulation for transmission and reception on the same radio channel, subject to and in accordance with the provisions of Subpart E of this part except that the maximum authorized transmitter power shall be 15 watts (for both installed and portable stations), and frequency deviation at 100 percent modulation shall not exceed 15 kc.

3. Section 8.434 is amended by revising the existing texts of paragraphs (a), (b) and (c) and by adding a new paragraph (d) as follows:

**§ 8.434 Use of developmental stations.**

(a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization, in paragraph (d) of this section, or in other sections of this subpart.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization, by paragraph (d) of this section, or by other sections of this subpart.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations regularly licensed in an established service under any part of the Commission's rules, nor to the service of any United States Government

station or any foreign station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(d) (1) The following provisions apply to each limited ship station (developmental) licensed specifically to use the radio channel of which the authorized carrier frequency is 156.65 Mc when such station is operating on this radio channel:

(i) Communication is authorized primarily with other ship stations operating on this radio channel, including foreign ship stations, for transmitting or receiving marine navigational information (including radar information) concerning the current passage of a ship or ships, or for receiving or rendering assistance at the scene of any maritime emergency.

(ii) Communication is authorized secondarily with land stations used in connection with the passage of ships through locks, bridge areas, and government controlled waterways, and with land stations as necessary to transmit or receive marine navigational information to or from shore radiolocation stations.

(iii) Communication is authorized for brief tests with ship or coast stations solely to determine whether the developmental ship station equipment is in effective operating condition.

(2) Subject to the provisions of § 8.155(a), and provided the conditions set forth in § 8.137(b) (1) through (4) are complied with, the licensed radio transmitting apparatus may be operated on this radio channel by a person not holding a radio operator license issued by the Commission. This provision is not construed to require type acceptance of the transmitting equipment for use under the provisions of this subpart.

(3) Operation of the station, except adjustments and tests by a duly licensed radio operator in accordance with § 8.155(a) (5), shall be by and under the control of the master of the ship or any member of the ship's navigating personnel, including local pilots, as designated by the master.

4. Section 8.436 is amended by adding a new paragraph (b) as follows:

**§ 8.436 Report of operation required.**

(b) The following supplementary provisions apply to the operation of each limited ship station (developmental) on the radio channel of which the authorized carrier frequency is 156.65 Mc:

(1) Station records shall be maintained as required by §§ 8.115, 8.184, and 8.368 except that all such records shall, unless otherwise directed by the Commission, be retained by the licensee for a period of not less than three years from date of entry.

(2) With reference to § 8.363(a) (5), the same entries concerning each watch maintained on the frequency 156.65 Mc shall be made as required in that subparagraph in respect to a watch on 2182 kc.

(3) A report on the results of the developmental program shall be filed by each licensee, or by one or more such licensees acting jointly as a coordinated group, within 60 days of the expiration

of each developmental station license. Additionally, such reports shall be filed within 30 days of January 1, 1960, in respect to licensees whose first developmental ship station for this purpose shall have been authorized not less than 3 months before January 1, 1960; within 30 days of April 1, 1960 in respect to licensees whose first developmental ship station for this purpose shall have been authorized not less than 3 months before April 1, 1960; and within 30 days of September 1, 1960 in respect to licensees whose first developmental ship station for this purpose shall have been authorized not less than 3 months before September 1, 1960.

5. The text of § 8.437(a) is amended to read as follows:

**§ 8.437 Identification of station.**

(a) (1) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(2) Exceptionally, a limited ship station (developmental), when using telephony on the radio-channel of which 156.65 Mc is the authorized carrier frequency, may be identified by name of the ship in lieu of announcing the official ship station call sign.

**§ 8.438 [Deletion]**

6. The text of § 8.438 is deleted in its entirety.

7. Subpart Q of Part 8 is amended by adding new §§ 8.438 and 8.439 as follows:

**§ 8.438 Initial period of license for operation on 156.65 Mc.**

Irrespective of paragraph (d) of § 8.63, each initial license for a limited ship station (developmental), which authorizes operation on the radio channel of which the authorized carrier frequency is 156.65 Mc, shall be issued on a temporary basis for a period normally beginning when granted by the Commission and normally ending at 3:00 a.m., e.s.t., on April 1, 1961. This provision, however, shall not preclude the granting of applications under this subpart for special temporary station authorizations in accordance with § 8.41 and paragraphs (d) and (e) of § 8.63, to expire prior to April 1, 1961.

**§ 8.439 Time limit on filing of initial applications for operation on 156.65 Mc.**

Applications for developmental ship station licenses to authorize, initially, operation on the radio channel of which 156.65 Mc is the authorized carrier frequency may not be filed after December 31, 1960. Any such application received by the Commission after that date will be returned to the applicant as provided by § 8.27.

NOTE: If, in the discretion of the Commission, a need develops for extension of this time limit on filing this category of application, the Commission will take such action in the matter as it then deems appropriate.

**§ 8.805 [Deletion]**

8. The text of § 8.805 is deleted in its entirety.

[F.R. Doc. 59-6514; Filed, Aug. 6, 1959; 8:48 a.m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### [ 50 CFR Part 34 ]

### CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE, FLORIDA

#### Hunting of Migratory Game Birds

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 34.46 of Subpart—Chassahowitzka National Wildlife Refuge, Florida, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to extend the regulation which will permit annual hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 3, 1959.

D. H. JANZEN,  
Director, Bureau of Sport  
Fisheries and Wildlife.

#### § 34.46 Hunting of migratory game birds permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Chassahowitzka National Wildlife Refuge, Florida, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Starting at the southwest corner of Section 30, Township 20 South, Range 17 East, Tallahassee meridian, thence north 34 chains to a point, thence west 22 chains to the place of beginning; thence in Township 20 South, Range 16 East, west 320 chains to a point, thence north 80 chains to a point, thence east 320 chains to a point, thence south 80 chains to the place of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* Subject to the provisions of Part 6 of this chapter, the use of boats for the purpose of hunting is permitted; *Provided*, That any person who enters the public hunting area for the purpose of hunting may operate an

airboat on the lands and waters of the United States only as may be authorized by a valid special permit issued by the officer in charge, which permit may limit the period during which such permit is valid and the area in which such airboats may operate: *And provided further*, That the use of speedboats and racing craft is prohibited except for official purposes.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are promulgated, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F.R. Doc. 59-6500; Filed, Aug. 6, 1959; 8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 3 ]

[Docket No. 11759; FCC 59-857]

#### TELEVISION BROADCAST STATIONS

#### Table of Assignments: Fresno, Bakersfield, Salinas, and Santa Barbara, Calif.; Goldfield and Tonopah, Nev.

1. The Commission has before it for consideration:

(1) The Memorandum Opinion and Order, Notice of Further Proposed Rule Making, and Orders To Show Cause (FCC 59-723), adopted in this proceeding on July 15, 1959 (issued July 17, 1959); and

(2) "Petition for Extension of Time" filed July 21, 1959, by Triangle Publications, Inc. (Radio and Television Division), licensee of KFRE-TV (Fresno Channel 12), asking that the time for filing comments in response to the further notice of rule making, and the time for KFRE-TV to file its response to the Order To Show Cause looking toward changing its channel assignment from Channel 12 to Channel 9, be extended from August 24, 1959 (the date specified in the Notice and the Show Cause Order) to October 23, 1959, with a corresponding extension of time for filing reply comments in the rule making proceeding;

(3) Similar requests for extension of time to file comments and replies in response to the Notice—all seeking the date of October 23, 1959, for comments—filed by Marietta Broadcasting, Inc. (KERO-TV, Bakersfield, Channel 10), Great Western Broadcasting Corporation (KXTV, Sacramento, Channel 10), and Golden Empire Broadcasting Company (KHSL-TV, Chico, Channel 12); oppositions to the requests for extension

filed by O'Neill Broadcasting Company (KJEO, Fresno, Channel 47) and Bakersfield Broadcasting Company (KBAK-TV, Bakersfield, Channel 29); and replies urging an extension filed by Triangle, Kern County Broadcasting Company (permittee of KICU, Bakersfield, Channel 17), and Marietta.

2. The arguments advanced in support of the requested extension of 60 days may be summarized as follows: (1) the proceedings involved are complex and involved, so that more time is needed for the preparation of comments which will be adequate and helpful; (2) this matter has been pending for a considerable time already, and there is no need for emergency expedition because there are now three operating stations in Fresno, with three networks; (3) in reliance on the Commission's earlier general statement announcing the usual "August recess," legal and engineering counsel have made plans for vacations during August, and unless the time is extended vacations during the usual period will not be possible. O'Neill's opposition is based largely on the argument that an expeditious decision is required if there is to be any chance of getting service to Fresno under the new VHF assignments before the winter season makes construction impossible. O'Neill also asserts that Triangle and other parties now seeking extensions have filed numerous comments in the past and are therefore familiar with the subject matter.

3. Upon consideration of these pleadings, we are of the view that the requests for extension of time must be denied. There is merit in the argument that Triangle and many of the other interested parties are familiar with the subject matter involved in this case, as shown by the numerous pleadings which they have filed urging and opposing the various proposals involved. Therefore it does not appear that meeting the August 24 date will either impose an undue burden upon the parties or their legal and engineering counsel, or result in shortcomings or inadequacies in the presentations made. The expeditious solution of the problem of providing fully competitive services in these major markets is an objective of great importance, and the requested extension is inconsistent with that objective. The fact that there have been unavoidable delays in this matter up to now is no reason why further delays should be permitted where, as here, it is possible to avoid them. Likewise, the fact that UHF stations are actually in operation in Fresno and Bakersfield does not remove the need for expedition in reaching a solution which will provide fully competitive services. With respect to the contention concerning the "August recess", it is true that by Public Notice of April 29, 1959, we announced that there would be no hearings or oral arguments during August, and no meetings in that month after August 1; we stated that "This summer recess is a convenience to vacationing and other planning by those who do business with

the Commission." We did not thereby mean to indicate that the Commission's processes would come to a complete halt; such a result would clearly be inconsistent with the public interest.

4. One other matter remains in connection with our recent action herein. In the Memorandum Opinion and Order and Notice of Further Proposed Rule Making referred to, we proposed to assign Channel 8 to Bakersfield, and did not mention the matter of what offset should be used in connection with this assignment. It appears that any operation on Channel 8 in that city will involve some change in offset on the part of one or more stations now operating on Channel 8 in Western cities. At the time of the issuance of the Further Notice we had not yet determined what solution in this respect would involve the fewest changes in existing Channel 8 assignments. It now appears that the preferable approach would be to assign Channel 8 plus to Bakersfield, and change the assignment of Channel 8 at Salinas-Monterey, California (on which

Station KSEW-TV is in operation) from plus to minus. It appears that no other changes would be required. Accordingly, we are issuing the present Supplemental Notice to give interested parties an opportunity to comment. Since the matter involved is a simple one, the August 24 date previously set for comments will afford a reasonable time for comments upon this additional aspect of the problem, and we are not, therefore, providing any additional time for comments or replies relating thereto, beyond the dates of August 24 for comments and September 8 for replies which now obtain.

5. In view of the foregoing: *It is ordered*, That the "Petition for Extension of Time" filed herein on July 21, 1959 by Triangle Publications, Inc. (Radio & Television Division), and the other aforementioned petitions and statements requesting extensions of time herein, are denied.

6. *It is further ordered*, That the proposal for changes in the Table of Assignments § 3.606 of the rules), as set forth

in Paragraph 29 of the Memorandum Opinion and Order, Notice of Further Proposed Rule Making, and Orders to Show Cause (FCC 59-723, released July 17, 1959), is modified to read as follows:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif.....	10-, 17, 29, 39+	8+, 10-, 12+, 17, 29, 39+
Fresno, Calif.....	12+, *18-, 21, 47, 53	2-, 5-, *7+, 9-, 53
Salinas-Monterey, Calif....	8+, 35	8-, 35
Tonopah, Nev.....	9-	
Goldfield, Nev.....	5-	

Adopted: July 30, 1959.

Released: August 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6531; Filed Aug. 6, 1959;  
8:50 a.m.]

## NOTICES

### DEPARTMENT OF JUSTICE

#### Office of Alien Property

#### STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property (21 F.R. 1241), as amended, are hereby amended to read as follows:

1. *Establishment and functions.* The Office of Alien Property, Department of Justice, was established by the Attorney General to administer functions vested in him relating to the control or vesting of foreign owned property, the administration of property vested under the Trading with the Enemy Act, as amended, including allowance and payment of claims asserted with respect thereto, and litigation connected with any of the foregoing functions. The Attorney General has also designated the Office of Alien Property to carry out the administration of Title II of the International Claims Settlement Act of 1949, including the vesting, administration and liquidation of blocked property of Bulgaria, Hungary, Rumania and certain nationals of these countries, the allowance and payment of claims asserted with respect to such vested property and the conduct of litigation connected therewith. The Administration of the aforesaid Title II by the Office of Alien Property also includes the divesting of property of certain nationals of Bulgaria, Hungary and Rumania vested under the Trading with the Enemy Act, as amended.

2. *Direction.* The Office of Alien Property is under the supervision and direction of an Assistant Attorney General, who is Director of the Office of Alien

Property and is responsible to the Attorney General. The Director acts for and on behalf of the Attorney General. All of the authority, rights, privileges, powers, duties, and functions of the Office of Alien Property may be exercised by the Director or by any agencies, instrumentalities, agents, delegates, or other personnel appointed or designated by him.

3. *Authority under the Trading With the Enemy Act, as amended.* (a) Authority under the Trading With the Enemy Act, as amended, was delegated to the Alien Property Custodian by the President pursuant to the following Executive Orders:

(1) Executive Order 9095 of March 11, 1942, 7 F.R. 1971, as amended by Executive Order 9193 of July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; and Executive Order 9567 of June 8, 1945, 10 F.R. 6917, 3 CFR, 1945 Supp.; and modified by Executive Order 9760 of July 23, 1946, 11 F.R. 7999, 3 CFR, 1946 Supp.

(2) Executive Order 9142 of April 21, 1942, 7 F.R. 2985, 3 CFR, 1943 Cum. Supp.

(3) Executive Order 9325 of April 7, 1943, 8 F.R. 1682, 3 CFR, 1943 Cum. Supp.

(4) Executive Order 9725 of May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.

(b) The Office of Alien Property Custodian was terminated, and all powers and authority vested in or transferred to the Alien Property Custodian or the Office of Alien Property Custodian were transferred to or vested in the Attorney General by Executive Order 9788 of October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.

(c) Jurisdiction formerly exercised by the Secretary of the Treasury under the Trading With the Enemy Act, as amended, over certain assets which were blocked by Executive Order 8389 of April 10, 1940, 5 F.R. 1400, as amended, 3 CFR,

1943 Cum. Supp., was transferred to the Attorney General by Executive Order 9989 of August 20, 1948, 13 F.R. 4891, 3 CFR, 1948 Supp. By Executive Order 10348 of April 26, 1952, 17 F.R. 3769, 3 CFR, 1952 Supp., the aforesaid Executive Orders and all delegations, regulations, rulings, instructions and licenses under said Orders were continued in force according to their terms for the duration of the national emergency proclaimed by Proclamation 2914 of December 16, 1950, 15 F.R. 9029, 3 CFR, 1950 Supp.

(d) By Executive Order 10244 of May 17, 1951, 16 F.R. 4689, 3 CFR, 1951 Supp., the President designated the Attorney General to exercise functions relating to the settlement of intercustodial disputes regarding enemy property conferred by the Act of September 28, 1950 (64 Stat. 1079; 50 U.S.C. App. Sup. 40).

(e) Certain functions under the Trading With the Enemy Act, as amended, relating to the Philippines, which were conferred on the President by the Philippine Property Act of 1946, as amended (60 Stat. 418, 64 Stat. 1116, 22 U.S.C. and Sup. 1382), were delegated to the Philippine Alien Property Administration by the following orders:

(1) Executive Order 9789 of October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.

(2) Executive Order 9818 of January 7, 1947, 12 F.R. 133, 3 CFR, 1947 Supp.

(3) Executive Order 9921 of January 10, 1948, 13 F.R. 171, 3 CFR, 1948 Supp.

(f) The Philippine Alien Property Administration was terminated by Executive Order 10254 of June 15, 1951, 16 F.R. 5289, 3 CFR, 1951 Supp., and all powers and authority vested in or transferred to the Philippine Alien Property Administration or the Philippine Alien Property Administrator were transferred to or vested in the Attorney General.



(g) By section 2 of Executive Order 10587 of January 13, 1955, 20 F.R. 361, the President delegated to the Attorney General all functions under section 32(h) of the Trading With the Enemy Act other than that of designating successors in interest thereunder. By section 3 of that Order the Attorney General was authorized to designate any officer or agency of the Department of Justice to carry out the functions delegated to him.

(h) Section 6 of Attorney General's Order No. 175-59, effective April 1, 1959, confers the foregoing powers and authority upon the Assistant Attorney General, Director, Office of Alien Property, subject however to the provisions of sections 9(a)(2) and 23 of said Order No. 175-59.

4. *Authority under Title II of the International Claims Settlement Act of 1949.* (a) By section 1 of Executive Order 10644 of November 7, 1955, 20 F.R. 8363, the President designated and empowered the Attorney General, and any Assistant Attorney General designated by the Attorney General, to perform the functions conferred on the President and any designee of the President by Title II of the International Claims Settlement Act of 1949, added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562). By section 2 of this Executive Order the President also designated the Attorney General as the officer in whom property shall vest under the said Title II.

(b) Pursuant to section 1 of the said Executive Order 10644, Attorney General's Order No. 175-59 confers upon the Assistant Attorney General, Director, Office of Alien Property, the functions conferred upon the President and any designee of the President by the said Title II of the International Claims Settlement Act of 1949, subject however to the provision of sections 9(a)(2) and 23 of said Order No. 175-59.

5. *Organization.* The Office of Alien Property is composed of the following principal subdivisions, with functions and authority as indicated:

(a) *Office of the Director.* This Office consists of the Director, the Deputy Director, the Legal and Legislative Counsel, the Intercustodial and Foreign Funds Officer and the Hearing Examiners.

(1) The Director exercises the functions and authority noted in paragraphs 3 and 4 of this Notice.

(2) The Deputy Director is first assistant to the Director. He may exercise any of the authority, rights, privileges, powers, duties, and functions of the Director in the absence of the Director or in the event of his inability to act, or at any other time, to the extent delegated to him. In performing the aforesaid duties the Deputy Director will act for and on behalf of the Attorney General.

(3) The Legal and Legislative Counsel advises on all legal and legislative matters generally affecting the operations of the Office of Alien Property. He also is responsible for all matters relating to the liquidation of banking and insurance institutions under the control of the Office and all matters relating to the administration of patents, and rights

or interests therein or related thereto vested under the Trading With the Enemy Act, as amended, or controlled thereunder by 8 CFR, Part 507.

(i) The Legal and Legislative Counsel is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(ii) The Legal and Legislative Counsel is authorized:

(a) To issue licenses with respect to vested patents, applications for patents, and rights or interests therein or related thereto; and to fix royalty schedules pertaining thereto;

(b) To make demand for and accept payment of royalties and other moneys due the Attorney General with respect to vested patents, applications for patents, licenses and rights or interests therein or relating thereto; and to execute receipts, surrenders, releases or other instruments to evidence such action;

(c) To execute powers of attorney and sign all papers for the necessary conduct of the business of the Office of Alien Property before the United States Patent Office.

(4) The Intercustodial and Foreign Funds Officer is responsible for the administration of controls with respect to property over which jurisdiction is exercised by virtue of Executive Order 9989 and transactions relating to such property; and for the conduct of negotiations with respect to intercustodial conflicts and the implementation of agreements with respect to such conflicts. The Intercustodial and Foreign Funds Officer is also responsible for the investigation, processing and preparation of vesting recommendations and orders under Title II of the International Claims Settlement Act of 1949 and the processing and preparation of divesting recommendations and orders under section 202(a) of that Title; for obtaining compliance with vesting orders issued under that Title; for the authorization of covering vested funds into the Treasury Department under that Title and for the authorization of transfers of divested funds to the Treasury Department under section 202(a) of that Title.

(i) The Intercustodial and Foreign Funds Officer is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(ii) The Intercustodial and Foreign Funds Officer is authorized to take final action with respect to specific licensing matters, by granting or denying applications for specific licenses, and by amending, modifying, renewing, or revoking existing specific licenses with respect to the property over which jurisdiction is exercised by virtue of Executive Order 9989. In the exercise of the foregoing authority, such official will act for and on behalf of the Director or the Deputy Director, and will sign in the following form:

Issued by direction and on behalf of the (Deputy) Director, Office of Alien Property.

By \_\_\_\_\_  
(Title)

(iii) The Intercustodial and Foreign Funds Officer is authorized to issue any demand, direction or instruction directed to any person, firm, or corporation or to take any other action necessary to effectuate a vesting order issued under Title II of the International Claims Settlement Act of 1949;

(iv) The Intercustodial and Foreign Funds Officer is authorized to take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under Title II of the International Claims Settlement Act of 1949; to accept payment, conveyance, transfer, assignment or delivery made to or for the account of the Attorney General pursuant to said Title II; and to execute receipts, surrenders, releases or other instruments to evidence such action;

(v) The Intercustodial and Foreign Funds Officer is authorized to waive compliance with any vesting order issued under Title II of the International Claims Settlement Act of 1949 which vests a debt in a specific amount to the extent of normal service charges not to exceed \$250.00 asserted by a claimant who would be entitled to a return of the amount of such charges if the vesting order were enforced according to its terms;

(VI) The Intercustodial and Foreign Funds Officer is authorized to direct the execution and delivery of transfers of property vested under Title II of the International Claims Settlement Act of 1949.

(5) The Hearing Examiners, consisting of a Chief Hearing Examiner and such other hearing examiners as may from time to time be qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act, hear contested claims and issue recommended decisions with respect thereto under sections 9(a), 32, and 34 of the Trading With the Enemy Act, as amended, and sections 207(b) and 208 of Title II of the International Claims Settlement Act of 1949. The Hearing Examiners handle such other matters not inconsistent with their duties as hearing examiners as may be assigned by the Director or the Deputy Director. The Hearing Examiners are hereby severally delegated authority to exercise the powers conferred upon hearing examiners by the Rules of Procedure for Claims of the Office of Alien Property (8 CFR).

(b) *Claims Administration Section.* Under the Supervision of the Chief, Claims Administration Section, this Section processes all claims under the Trading With the Enemy Act, as amended, or Title II of the International Claims Settlement Act of 1949 for the return of vested property or payment of debts of former owners of vested property which have not been docketed for hearing under the Rules of Procedure for Claims of this Office (8 CFR Part 502). This Section is also responsible for the investigation, processing and preparation of divesting recommendations and orders under section 202(b) of Title II of the International Claims Settlement Act of 1949 and for the authorization of trans-

fers of divested funds to the Treasury Department under said section 202(b).

(1) The Chief, Claims Administration Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions, including the powers conferred upon him by the Rules of Procedure for Claims.

(2) In the exercise of such authority, insofar as it relates to a position taken by the Claims Administration Section prior to allowance or final disallowance of a claim, the Chief, Claims Administration Section, shall sign in his own name and title.

(c) *Trial Section.* Under the supervision of the Chief, Trial Section, this Section conducts all litigation (except the case of *Societe Internationale Pour Participations Industrielles et Commerciales v. Rogers* and other cases specially assigned by the Director or Deputy Director elsewhere) in the United States District Courts under sections 9 and 17 of the Trading With the Enemy Act, as amended, and section 207(a) of Title II of the International Claims Settlement Act of 1949, all litigation in the State and Territorial Courts and cases specially assigned by the Director or Deputy Director. The Trial Section also conducts all proceedings before the Hearing Examiners of this Office under the Rules of Procedure for Claims (8 CFR Part 502) in connection with claims under the Trading With the Enemy Act, as amended (except claims related to the case of *Societe Internationale Pour Participations Industrielles et Commerciales v. Rogers*), or under Title II of the International Claims Settlement Act of 1949.

(1) The Chief, Trial Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his duties, including the power conferred upon him by the Rules of Procedure for Claims of this Office.

(2) The Chief, Trial Section, is authorized to execute receipts, surrenders, releases or other instruments to evidence action which may be consummated in litigation handled by the Section.

(3) In the exercise of his authority under the Rules of Procedure for Claims, insofar as it relates to a position taken by the Trial Section prior to allowance or final disallowance of a claim, the Chief, Trial Section, shall sign in his own name and title.

(d) *Appellate and Special Litigation Section.* Under the supervision of the Chief, Appellate and Special Litigation Section, this Section conducts the case of *Societe Internationale Pour Participations Industrielles et Commerciales v. Rogers*, cases specially assigned by the Director or Deputy Director and all other litigation not conducted by the Trial Section. This Section also conducts all docketed claims proceedings under the Rules of Procedure for Claims not conducted by the Chief of the Trial Section.

(1) The Chief, Appellate and Special Litigation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his duties, including the powers conferred upon him by the Rules of Procedure for Claims of this Office.

(2) The Chief, Appellate and Special Litigation Section, is authorized to execute receipts, surrenders, releases or other instruments to evidence action which may be consummated in litigation handled by the Section.

(3) In the exercise of his authority under the Rules of Procedure for Claims, insofar as it relates to a position taken by the Appellate and Special Litigation Section prior to allowance or final disallowance of a claim, the Chief, Appellate and Special Litigation Section, shall sign in his own name and title.

(e) *Liquidation Section.* Under the supervision of the Chief, Liquidation Section, this section is responsible for matters relating to the operation or liquidation of business enterprises which have been supervised or vested, for the management and liquidation of vested real and personal property, for collection, custody and administration with respect to vested interests in estates and trusts and vested rights under contracts of life insurance and annuity and for all matters relating to the administration of trade-marks and copyrights and rights or interests therein or related thereto vested under the Trading With the Enemy Act, as amended, or controlled thereunder by 8 CFR Part 507. This section also performs certain functions in connection with effectuating returns of vested property.

(1) The Chief, Liquidation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Chief, Liquidation Section, is authorized:

(i) To issue licenses with respect to vested copyrights and rights or interests therein or related thereto; and to fix royalty schedules pertaining thereto;

(ii) To approve requests for loans of vested motion picture films and to enter into agreements concerning the use thereof;

(iii) To make demand for and accept payment of royalties and other moneys due the Attorney General with respect to vested copyrights, trade-marks, films, licenses and rights or interests therein or relating thereto; and to execute receipts, surrenders, releases or other instruments to evidence such action.

(3) The Chief, Liquidation Section, is authorized:

(i) To issue any demand, direction or instruction directed to any person, firm or corporation or to take any other action necessary to effectuate a vesting order.

(ii) To take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under the Trading With the Enemy Act, as amended, or Title II of the International Claims Settlement Act of 1949; to accept payment, conveyance, transfer, assignment or delivery made to or for the account of the Attorney General pursuant to said Act or Title; to exercise any right of election to surrender or release any vested insurance policy contract rights or interests therein against payment of cash surrender value; and to execute receipts,

surrenders, releases or other instruments to evidence such action;

(iii) To waive compliance with any vesting order which vests a debt in a specific amount to the extent of normal service charges not to exceed \$250.00 asserted by a claimant who would be entitled to a return of the amount of such charges if the vesting order were enforced according to its terms;

(iv) To direct the execution and delivery of transfers of vested property.

(f) *Comptroller's Section.* Under the supervision of the Comptroller, this section maintains accounting records regarding vested property; prepares financial reports of the Office of Alien Property; deposits for collection with the Treasurer of the United States currency, checks, and drafts paid to or received by the Office of Alien Property; transfers the proceeds to the account of the Attorney General with the Treasurer of the United States; covers the net proceeds of vested property into the Treasury under sections 202(a) and 202(b) of Title II of the International Claims Settlement Act of 1949, transfers divested funds into blocked accounts in the Treasury under said sections 202(a) and 202(b) and makes disbursements by the issuance of checks in payment of taxes, expenses of and claims allowed by the Office of Alien Property. This Section also performs certain other functions in connection with effectuating returns of vested property.

(1) The Comptroller is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Disbursing Officer, within the Comptroller's Section, is authorized to collect moneys for the Office of Alien Property; to deposit for collection with the Treasurer of the United States currency, checks, and drafts paid to or received by the Office of Alien Property; to transfer the proceeds to the account of the Attorney General with the Treasurer of the United States; to cover the net proceeds of vested property into the Treasury under sections 202(a) and 202(b) of Title II of the International Claims Settlement Act of 1949; to transfer divested funds into blocked accounts in the Treasury under said sections 202(a) and 202(b); and to make disbursements by issuance of checks in payment of taxes, necessary and proper expenses of the Office of Alien Property and duly allowed claims. In the exercise of such authority, he is authorized to act in his own name and title.

(g) *Administrative Section.* Under the supervision of the Chief, Administrative Section, this Section is responsible for internal administrative functions, maintains statistical records of the Office of Alien Property and prepares official reports.

(1) The Chief, Administrative Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) Within this Section, the Records Officer and the Assistant to the Records Officer are severally authorized to authenticate, certify and attest copies

of books, records, papers, and documents in the official custody of the Office of Alien Property; to subscribe the name of the Director or the Deputy Director to such certificates, and to affix the seal of the Office of Alien Property.

(h) *Overseas Office.* This Office, under the Chief, Overseas Office, administers all functions of the Office of Alien Property in Europe.

(i) *Tokyo Office.* This Office, under the Chief, Tokyo Office, administers all functions of the Office of Alien Property in Japan.

6. *Form of signature.* Except for the Director, Deputy Director, and as otherwise indicated in paragraph 5 of this Notice, the designated officials of the Office of Alien Property, in exercising authority conferred on them, will sign in the following form:

(Name)  
Assistant Attorney General,  
Director, Office of Alien Property.  
By \_\_\_\_\_  
(Title)

7. *Location of offices.* The Office of Alien Property maintains offices as follows:

(a) *Washington, D.C.* Federal Home Loan Bank Building, 101 Indiana Avenue N.W., Washington 25, D.C.

(b) *Overseas Office.* Munich, Germany.

(c) *Tokyo Office.* American Embassy, Tokyo, Japan.

8. *Information—(a) General.* Requests for general information should be addressed to the Office of Alien Property, Department of Justice, Washington 25, D.C., unless the Overseas or Tokyo Office is nearer, in which event requests may be addressed to such Office.

(b) *Sales.* Notices of public offerings of vested property are given by publication in appropriate newspapers and trade journals and by mail to persons on the mailing lists of the Office of Alien Property. The mailing lists are maintained by the Comptroller's Section and names may be placed on such lists on request.

(c) *Patents and Copyrights Program.* Vested interests in certain properties of these types have been made available for use by the American public. Requests for information with respect to patents should be addressed to the Legal and Legislative Counsel, Office of Alien Property, Washington 25, D.C. Requests for information with respect to copyrights should be addressed to the Liquidation Section, Office of Alien Property, Department of Justice, Washington 25, D.C.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U.S.C. App. and Sup. 1-40; 60 Stat. 418, 64 Stat. 1116, 22 U.S.C. and Sup. 1382; 69 Stat. 562; E.O. 8389, April 10, 1940, 5 F.R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E.O. 9142, April 21, 1942, 7 F.R. 2985, 3 CFR, 1943 Cum. Supp.; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9567, June 8, 1945, 10 F.R. 6917, 3 CFR, 1945 Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 9818, January 1, 1947, 12 F.R. 133, 3 CFR, 1947 Supp.; E.O. 9921, January 10, 1948, 13 F.R. 171, 3 CFR, 1948 Supp.; E.O. 9989, August 20, 1948, 13 F.R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F.R. 9029, 3 CFR, 1950 Supp.; E.O. 10244, May 17,

1951, 16 F.R. 4639, 3 CFR, 1951 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp.; E.O. 10348, April 26, 1952, 17 F.R. 3769, 3 CFR, 1952 Supp.; E.O. 10587, January 13, 1955, 20 F.R. 361; E.O. 10644, November 7, 1955, 20 F.R. 8363)

Executed at Washington, D.C., July 29, 1959.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F.R. Doc. 59-6517; Filed, Aug. 6, 1959;  
8:48 a.m.]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### R. E. CROSS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.

B. Additions: National Life and Accident Insurance Co. capital stock.

This statement is made of June 30, 1959.

Dated: July 27, 1959.

R. E. CROSS.

[F.R. Doc. 59-6525; Filed, Aug. 6, 1959;  
8:50 a.m.]

#### ROBERT M. TRUEBLOOD

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.

B. Additions: None.

This statement is made of Robert M. Trueblood.

Dated: July 23, 1959.

ROBERT M. TRUEBLOOD.

[F.R. Doc. 59-6526; Filed, Aug. 6, 1959;  
8:50 a.m.]

#### Office of the Secretary

[DoD Directive 5510.1]

#### COMMANDING OFFICER, FIELD COMMAND, DEFENSE ATOMIC SUPPORT AGENCY

#### Delegation of Authority to Appoint General Courts-Martial

The Secretary of Defense approved the following effective May 1, 1959:

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22(a) (7), I empower the Commanding Officer, Field Command, Defense Atomic Support Agency, to convene general courts-martial, and further, pursuant to the Uniform Code of Military Justice, Article 17(a), and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces assigned or attached to or on duty with such command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a(2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

Delegation of authority published at 18 F.R. 4390, July 25, 1953, is hereby cancelled.

MAURICE W. ROCHE,  
Administrative Secretary.

[F.R. Doc. 59-6520; Filed, Aug. 6, 1959;  
8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service and Commodity Credit Corporation

#### CERTAIN DIRECTORS AND OTHER EMPLOYEES

#### Delegations of Authority With Respect to Certain Commodity Credit Corporation Activities

The delegations of authority published in 23 F.R. 5216, with respect to the signing or countersigning of certain Commodity Credit Corporation documents are hereby amended by deleting the last paragraph and substituting in lieu thereof the following:

The Directors or Acting Directors of the Commodity Stabilization Service Commodity Offices at Dallas, Texas, Evanston, Illinois, and Kansas City, Missouri, and other employees of such offices after written designation by the Director or Acting Director of the office may sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support commodity loans. Designations made by Directors or Acting Directors of employees in their respective offices shall remain in full force and effect until revoked by the Director or Acting Director or until the delegate is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Issued this 4th day of August 1959.

CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-6536; Filed, Aug. 6, 1959;  
8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Public Health Service

### LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of April 15, 1959, for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

### Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

#### LICENSED ESTABLISHMENTS

License No. 1—Parke, Davis & Co., Detroit, Mich.

##### 1. Antitoxins

*B. oedematiens* Antitoxin.  
Diphtheria Antitoxin.  
Dysentery Antitoxin, Shiga.  
Perfringens Antitoxin.  
Tetanus Antitoxin.  
Tetanus and Gas Gangrene Polyvalent Antitoxin.  
V. septique Antitoxin.

##### 2. Blood and Blood Derivatives

Histamine Azoprotein.  
Immune Serum Globulin (Human).  
Poliomyelitis Immune Globulin (Human).  
Thrombin.

##### 3. Bacterial Vaccines

Cholera Vaccine.  
Pertussis Vaccine.  
Pertussis Vaccine Aluminum Phosphate Adsorbed.  
Typhoid and Paratyphoid Vaccine.  
Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency."

##### 4. Bacterial Antigens

Six polyvalent bacterial antigens with "No U.S. Standard of Potency."

##### 5. Modified Bacterial Antigens

Two polyvalent modified bacterial antigens with "No U.S. Standard of Potency."

##### 6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Diphtheria Toxoid Aluminum Phosphate Adsorbed.  
Staphylococcus Toxoid.  
Tetanus Toxoid.  
Tetanus Toxoid Aluminum Phosphate Adsorbed.

##### 7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.  
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.  
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.  
Diphtheria and Tetanus Toxoids Combined.

Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.  
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

##### 8. Viral and Rickettsial Vaccines

Adenovirus Vaccine.  
Influenza Virus Vaccine.  
Poliomyelitis Vaccine.  
Rabies Vaccine.  
Smallpox Vaccine.

##### 9. Diagnostic Substances for Dermal Tests

Blastomycin.  
Diphtheria Toxin for Schick Test.  
Histoplasmin.  
Tuberculin, Old.  
Tuberculin, Purified Protein Derivative.

##### 10. Diagnostic Substances for Laboratory Tests

Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.  
Influenza Virus Hemagglutinating Antigen.

##### 11. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).  
Poison Ivy Extract.

##### 12. Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride.

License No. 2—Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point and Philadelphia, Pa.

##### 1. Antitoxins

Tetanus Antitoxin.

##### 2. Therapeutic Immune Serums

Antibrucella Serum.  
Anti-Rocky Mountain Spotted Fever Serum.  
Antitularemic Serum.

##### 3. Blood and Blood Derivatives

Citrated Whole Blood (Human).  
Fibrinogen (Human).  
Human Blood Cells.  
Immune Serum Globulin (Human).  
Normal Bovine Serum.  
Normal Horse Serum.  
Normal Human Plasma.  
Normal Serum Albumin (Human).  
Poliomyelitis Immune Globulin (Human).  
Thrombin.

##### 4. Bacterial Vaccines

Cholera Vaccine.  
Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.

Three polyvalent bacterial vaccines with "No U.S. Standard of Potency".

##### 5. Sensitized Bacterial Vaccines

Cholera Vaccine.  
Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.  
Six polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency".

##### 6. Bacterial Antigens

Bacterial Antigen with Antihistaminic.  
Three polyvalent bacterial antigens with "No U.S. Standard of Potency".

##### 7. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Diphtheria Toxoid Protamine Precipitated.  
Staphylococcus Toxoid.  
Tetanus Toxoid.

##### 8. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.  
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.  
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.  
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.  
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.  
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

##### 9. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.  
Poliomyelitis Vaccine.  
Rabies Vaccine.  
Rocky Mountain Spotted Fever Vaccine.  
Smallpox Vaccine.  
Typhus Vaccine.

##### 10. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.  
Scarlet Fever Streptococcus Toxin for Dick Test.  
Schick Test Control.  
Tuberculin, Purified Protein Derivative.

##### 11. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.

##### 12. Allergenic Extracts

Poison Ivy Extract.  
Poison Oak Extract.

##### 13. Miscellaneous

Antivenin (*Latrodectus mactans*).  
Bee Venom.  
Blood Group-Specific Substances A and B.

License No. 8—Cutter Laboratories, Berkeley, Calif.

##### 1. Antitoxins

*B. oedematiens* Antitoxin.  
Diphtheria Antitoxin.  
Gas Gangrene Polyvalent Antitoxin.  
Perfringens Antitoxin.

**Tetanus Antitoxin.**

Tetanus and Gas Gangrene Polyvalent Antitoxin.

*V. septique* Antitoxin.**2. Blood and Blood Derivatives**

Antihemophilic Globulin (Human).

Fibrinogen (Human).

Immune Serum Globulin (Human).

Mumps Immune Globulin (Human).

Normal Human Plasma.

Normal Serum Albumin (Human).

Pertussis Immune Globulin (Human).

Plasma Protein Fraction (Human).

Poliomyelitis Immune Globulin (Human).

Tetanus Immune Globulin (Human).

Thrombin.

**3. Bacterial Vaccines**

Cholera Vaccine.

Pertussis Vaccine.

Pertussis Vaccine Aluminum Hydroxide Adsorbed.

Plague Vaccine.

Typhoid Vaccine.

Typhoid and Paratyphoid Vaccine.

Three polyvalent bacterial vaccines with "No U. S. Standard of Potency."

**4. Toxoids and Toxins for Immunization**

Diphtheria Toxoid.

Diphtheria Toxoid Aluminum Hydroxide Adsorbed.

Tetanus Toxoid.

Tetanus Toxoid Aluminum Hydroxide Adsorbed.

**5. Multiple Antigen Preparations**

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.

Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.

Diphtheria and Tetanus Toxoids Combined.

Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.

Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.

Diphtheria Toxoid and Pertussis Vaccine Combined.

Tetanus Toxoid and Pertussis Vaccine Combined.

Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

**6. Viral and Rickettsial Vaccines**

Equine Encephalomyelitis Vaccine (Eastern).

Equine Encephalomyelitis Vaccine (Western).

Poliomyelitis Vaccine.

Smallpox Vaccine.

**7. Diagnostic Substances for Dermal Tests**

Coccidioidin.

Diphtheria Toxin for Schick Test.

Schick Test Control.

Tuberculin, Old.

**8. Diagnostic Substances for Laboratory Tests**

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

No. 154—5

**9. Allergenic Extracts**

Allergenic Extracts (including pollens and miscellaneous substances).

Poison Ivy Extract.

Poison Oak Extract.

License No. 11—Institut Pasteur, Paris, France

**1. Antitoxins**

Diphtheria Antitoxin.

Tetanus Antitoxin.

**2. Bacterial Vaccines**

Cholera Vaccine.

Typhoid Vaccine.

**3. Toxoids and Toxins for Immunization**

Staphylococcus Toxoid.

License No. 14—New York City Department of Health, Bureau of Laboratories, New York, N.Y.

**1. Antitoxins**

Diphtheria Antitoxin.

Tetanus Antitoxin.

**2. Blood and Blood Derivatives**

Normal Horse Serum.

**3. Bacterial Vaccines**

Pertussis Vaccine.

Typhoid Vaccine.

Typhoid and Paratyphoid Vaccine.

**4. Toxoids and Toxins for Immunization**

Diphtheria Toxoid.

Diphtheria Toxoid Aluminum Phosphate Adsorbed.

Tetanus Toxoid.

**5. Viral and Rickettsial Vaccines**

Smallpox Vaccine.

**6. Diagnostic Substances for Dermal Tests**

Diphtheria Toxin for Schick Test.

Schick Test Control.

Tuberculin, Old.

**7. Diagnostic Substances for Laboratory Tests**

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-Human Serum.

License No. 17—Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.

**1. Antitoxins***B. histolyticus* Antitoxin.*B. oedematiens* Antitoxin.*B. sordellii* Antitoxin.

Botulism Antitoxin.

Diphtheria Antitoxin.

Gas Gangrene Polyvalent Antitoxin.

Perfringens Antitoxin.

Tetanus Antitoxin.

Tetanus and Gas Gangrene Polyvalent Antitoxin.

*V. septique* Antitoxin.**2. Therapeutic Immune Serums**

Antirabies Serum.

**3. Blood and Blood Derivatives**

Immune Serum Globulin (Human).

Poliomyelitis Immune Globulin (Human).

**4. Bacterial Vaccines**

Cholera Vaccine.

Pertussis Vaccine.

Typhoid and Paratyphoid Vaccine.

Four polyvalent bacterial vaccines with "No U.S. Standard of Potency."

**5. Toxoids and Toxins for Immunization**

Diphtheria Toxoid.

Diphtheria Toxoid Aluminum Phosphate Adsorbed.

Scarlet Fever Streptococcus Toxin for Immunization.

Staphylococcus Toxoid.

Tetanus Toxoid.

Tetanus Toxoid Aluminum Phosphate Adsorbed.

**6. Multiple Antigen Preparations**

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

Diphtheria and Tetanus Toxoids Combined.

Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.

**7. Viral and Rickettsial Vaccines**

Encephalitis Vaccine, Herpes "F" Strain.

Influenza Virus Vaccine.

Mumps Vaccine.

Q Fever Vaccine.

Rabies Vaccine.

Rocky Mountain Spotted Fever Vaccine.

Smallpox Vaccine.

Typhus Vaccine (Epidemic).

**8. Diagnostic Substances for Dermal Tests**

Lymphogranuloma Venereum Antigen.

Scarlet Fever Streptococcus Toxin for Dick Test.

Tuberculin, Old.

Tuberculin, Patch Test.

**9. Diagnostic Substances for Laboratory Tests**

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-M Serum.

Anti-N Serum.

Anti-Human Serum.

**10. Allergenic Extracts**

Allergenic Extracts (including pollens and miscellaneous substances).

Trichinella Extract.

**11. Miscellaneous**

Streptokinase—Streptodornase.

License No. 30—Sherman Laboratories, Detroit, Mich.

**1. Bacterial Vaccines**

Pertussis Vaccine.

Eighteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

**2. Bacterial Antigens**

One polyvalent bacterial antigen with "No U.S. Standard of Potency".



### 3. Allergenic Extracts

Allergenic Extracts (including pollens).  
Poison Ivy Extract.  
Poison Oak Extract.  
Poison Ivy-Poison Oak Extracts Combined.

License No. 43—Abbott Laboratories,  
North Chicago, Ill.

#### 1. Blood and Blood Derivatives

Radio-Iodinated ( $I^{131}$ ) Serum Albumin  
(Human).

#### 2. Allergenic Extracts

Allergenic Extracts (including pollens  
and miscellaneous substances).

License No. 51—The Upjohn Company,  
Kalamazoo, Mich.

#### 1. Blood and Blood Derivatives

Thrombin.

License No. 52—E. R. Squibb & Sons,  
Division of Olin Mathieson Chemical  
Corp., Biological Laboratories, New  
Brunswick, N.J.

#### 1. Blood and Blood Derivatives

Fibrinogen (Human).  
Immune Serum Globulin (Human).  
Normal Serum Albumin (Human).  
Poliomyelitis Immune Globulin  
(Human).  
Radio-Iodinated ( $I^{131}$ ) Serum Albumin  
(Human).

#### 2. Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial An-  
tigen made from Staphylococcus (Al-  
bus and Aureus).

#### 3. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

License No. 56—Eli Lilly and Company,  
Indianapolis, Ind.

#### 1. Antitoxins

Diphtheria Antitoxin.  
Perfringens Antitoxin.  
Tetanus Antitoxin.  
Tetanus and Gas Gangrene Polyvalent  
Antitoxin.  
V. septique Antitoxin.

#### 2. Bacterial Vaccines

Cholera Vaccine.  
Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.  
Bacterial Vaccine made from Partially  
Autolyzed Pneumococci.  
Seven polyvalent bacterial vaccines with  
"No U.S. Standard of Potency".

#### 3. Bacterial Antigens

Thirteen polyvalent bacterial antigens  
with "No U.S. Standard of Potency".

#### 4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Tetanus Toxoid.

#### 5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and  
Pertussis Vaccine Combined.  
Diphtheria and Tetanus Toxoids and  
Pertussis Vaccine Combined Alum  
Precipitated.  
Diphtheria and Tetanus Toxoids Com-  
bined.

Diphtheria and Tetanus Toxoids Com-  
bined Alum Precipitated.

Tetanus and Diphtheria Toxoids Com-  
bined Alum Precipitated (For Adult  
Use).

#### 6. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.  
Mumps Vaccine.  
Poliomyelitis Vaccine.  
Rabies Vaccine.  
Smallpox Vaccine.  
Typhus Vaccine.

#### 7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.  
Histoplasmin.  
Mumps Skin Test Antigen.  
Schick Test Control.  
Tuberculin, Old.

#### 8. Allergenic Extracts

Allergenic Extracts.  
Fungus Antigens.

License No. 64—Massachusetts Public  
Health Biologic Laboratories, Boston,  
Mass.

#### 1. Antitoxins

Diphtheria Antitoxin.  
Tetanus Antitoxin.

#### 2. Blood and Blood Derivatives

Immune Serum Globulin (Human).  
Normal Serum Albumin (Human).  
Poliomyelitis Immune Globulin (Hu-  
man).

#### 3. Bacterial Vaccines

Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.

#### 4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Tetanus Toxoid.

#### 5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and  
Pertussis Vaccine Combined Aluminum  
Phosphate Precipitated.  
Diphtheria and Tetanus Toxoids Com-  
bined Aluminum Phosphate Precipi-  
tated.

#### 6. Viral and Rickettsial Vaccines

Smallpox Vaccine.

#### 7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.  
Schick Test Control.  
Tuberculin, Old.

License No. 73—Connaught Medical Re-  
search Laboratories, University of To-  
ronto, Toronto, Canada

#### 1. Antitoxins

Diphtheria Antitoxin.  
Staphylococcus Antitoxin.  
Tetanus Antitoxin.

#### 2. Blood and Blood Derivatives

Normal Serum Albumin.

#### 3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Staphylococcus Toxoid.  
Tetanus Toxoid.

License No. 84—Terrell's Laboratories,  
Fort Worth, Tex.

#### 1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

#### 2. Allergenic Extracts

Allergenic Extracts (including pollens  
and miscellaneous substances).

License No. 91—Hollister-Stier Labora-  
tories, Spokane, Wash.; Chicago, Ill.;  
Philadelphia, Pa.; and Los Angeles,  
Calif.

#### 1. Bacterial Vaccines

Two polyvalent bacterial vaccines with  
"No U.S. Standard of Potency".

#### 2. Allergenic Extracts

Allergenic Extracts (including pollens  
and miscellaneous substances).  
Poison Ivy Extract.  
Poison Oak Extract.

License No. 99—Division of Laboratories,  
Michigan Department of Health, Lan-  
sing, Mich.

#### 1. Antitoxins

Diphtheria Antitoxin.  
Tetanus Antitoxin.

#### 2. Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b  
Serum.  
Antipneumococcal Serum.

#### 3. Blood and Blood Derivatives

Antihemophilic Globulin (Human).  
Citrated Whole Blood (Human).  
Fibrinogen (Human).  
Immune Serum Globulin (Human).  
Normal Horse Serum.  
Normal Human Plasma.  
Normal Rabbit Serum.  
Normal Serum Albumin (Human).  
Poliomyelitis Immune Globulin (Hu-  
man).  
Resuspended Red Blood Cells (Human).

#### 4. Bacterial Vaccines

Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.

#### 5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Diphtheria Toxoid Aluminum Phosphate  
Adsorbed.  
Tetanus Toxoid.  
Tetanus Toxoid Aluminum Phosphate  
Adsorbed.

#### 6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and  
Pertussis Vaccine Combined Alum  
Precipitated.  
Diphtheria and Tetanus Toxoids Com-  
bined Aluminum Phosphate Adsorbed.  
Diphtheria and Tetanus Toxoids and  
Pertussis Vaccine Combined Alumi-  
num Phosphate Adsorbed.

#### 7. Viral and Rickettsial Vaccines

Rabies Vaccine.  
Smallpox Vaccine.

#### 8. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.  
Histoplasmin.

Schick Test Control.  
Tuberculin, Old.

#### 9. Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

License No. 101—The National Drug Company, Philadelphia, Pa.

##### 1. Antitoxins

Diphtheria Antitoxin.  
Gas Gangrene Polyvalent Antitoxin.  
Tetanus Antitoxin.  
Tetanus and Gas Gangrene Polyvalent Antitoxin.

##### 2. Bacterial Vaccines

Cholera Vaccine.  
Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.  
Fourteen polyvalent vaccines with "No U.S. Standard of Potency".

#### 3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Scarlet Fever Streptococcus Toxin for Immunization.  
Staphylococcus Toxoid.  
Streptococcus Erythrogenic Toxin.  
Tetanus Toxoid.

#### 4. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.  
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.  
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.  
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.  
Staphylococcus Toxoid—Bacterial Vaccine made from Staphylococcus (Aureus).  
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.  
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

#### 5. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.  
Rabies Vaccine.  
Smallpox Vaccine.  
Typhus Vaccine (Epidemic).  
Yellow Fever Vaccine.

#### 6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.  
Scarlet Fever Streptococcus Toxin for Dick Test.  
Schick Test Control.

#### 7. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 102—Mulford Colloid Laboratories, Philadelphia, Pa.

##### 1. Allergenic Extracts

Poison Ivy Extract.  
Poison Oak Extract.  
Tincture Poison Ivy.

License No. 103—Allergy Laboratories, Oklahoma City, Okla.

##### 1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 105—C. F. Kirk Co., New York, N.Y.

##### 1. Bacterial Vaccines

Typhoid Vaccine.  
Fourteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

##### 2. Allergenic Extracts

Allergenic Extracts.  
Poison Ivy Extract Alum Precipitated.

License No. 107—Porro Biological Laboratories, Tacoma, Wash.

##### 1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 108—Laboratoire du Bacteriophage, Paris, France

##### 1. Bacterial Antigens

Fifteen bacterial antigens with "No U.S. Standard of Potency".

License No. 110—Pitman-Moore Company, Division Allied Laboratories, Inc., Zionsville, Ind.

##### 1. Antitoxins

Diphtheria Antitoxin.  
Perfringens Antitoxin.  
Tetanus Antitoxin.  
Tetanus and Gas Gangrene Polyvalent Antitoxin.  
V. septique Antitoxin.

##### 2. Therapeutic Immune Serums

Antierysipeloid Serum.

##### 3. Blood and Blood Derivatives

Immune Serum Globulin (Human).  
Poliomyelitis Immune Globulin (Human).

##### 4. Bacterial Vaccines

Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.  
Thirteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

##### 5. Bacterial Antigens

Five bacterial antigens with "No U.S. Standard of Potency".

#### 6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.  
Staphylococcus Toxoid.  
Tetanus Toxoid.

#### 7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.  
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.  
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

#### 8. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern)  
Equine Encephalomyelitis Vaccine (Western).

Influenza Virus Vaccine.  
Poliomyelitis Vaccine.  
Rabies Vaccine.  
Typhus Vaccine.

#### 9. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.  
Schick Test Control.  
Tuberculin, Old.

#### 10. Allergenic Extracts

Allergenic Extracts (including pollens).  
Poison Ivy Extract.  
Poison Ivy-Poison Oak Extract.  
Poison Oak Extract.

License No. 111—William S. Merrell Co., Cincinnati, Ohio

##### 1. Bacterial Vaccines

One polyvalent bacterial vaccine with "No U.S. Standard of Potency".

License No. 113—Michael Reese Research Foundation, Chicago, Ill.

##### 1. Therapeutic Immune Serums

Measles Immune Serum (Human).  
Mumps Immune Serum (Human).  
Poliomyelitis Immune Serum (Human).  
Scarlet Fever Immune Serum (Human).

##### 2. Blood and Blood Derivatives

Antihemophilic Plasma (Human).  
Citrated Whole Blood (Human).  
Normal Human Plasma.  
Normal Human Serum.  
Packed Red Blood Cells (Human).  
Resuspended Red Blood Cells (Human).

#### 3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-A,B Blood Grouping Serum.  
Absorbed Anti-A Serum  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-K Serum (Anti-Kell).  
Anti-Human Serum.

License No. 119—Barry Laboratories, Inc., Detroit, Mich.

##### 1. Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency".

##### 2. Allergenic Extracts

Allergenic Extracts (including pollens).  
Poison Ivy Extract.  
Poison Ivy-Oak-Sumac Extracts Combined.  
Poison Sumac Extract.

License No. 120—Bureau of Biologic Products, Illinois Department of Public Health, Division of Laboratories, Chicago, Ill.

##### 1. Bacterial Vaccines

Pertussis Vaccine.  
Typhoid Vaccine.  
Typhoid and Paratyphoid Vaccine.

## 2. *Toxoids and Toxins for Immunization* Diphtheria Toxoid.

### 3. *Multiple Antigen Preparations*

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

### 4. *Viral and Rickettsial Vaccines*

Rabies Vaccine.

### 5. *Diagnostic Substances for Dermal Tests*

Diphtheria Toxin for Schick Test.

License No. 121—Texas State Department of Health, Austin, Tex.

#### 1. *Bacterial Vaccines*

Pertussis Vaccine.

Typhoid Vaccine.

## 2. *Toxoids and Toxins for Immunization*

Diphtheria Toxoid.

Diphtheria Toxoid Aluminum Hydroxide Precipitated.

### 3. *Multiple Antigen Preparations*

Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.

### 4. *Viral and Rickettsial Vaccines*

Rabies Vaccine.

### 5. *Diagnostic Substances for Dermal Tests*

Diphtheria Toxin for Schick Test.

Schick Test Control.

Tuberculin, Old.

License No. 125—Hynson, Westcott & Dunning, Baltimore, Md.

#### 1. *Miscellaneous*

Cobra Venom Solution.

Cobra Venom with Silicic and Formic Acids.

License No. 129—Wellcome Research Laboratories, Beckenham, Kent, England

#### 1. *Miscellaneous*

Streptokinase-Streptodornase.

Russell Viper Venom.

License No. 135—Myers Laboratories, Inc., Warren, Pa.

#### 1. *Bacterial Antigens*

One polyvalent bacterial antigen with "No U.S. Standard of Potency."

License No. 139—Philadelphia Serum Exchange, Philadelphia, Pa.

#### 1. *Therapeutic Immune Serums*

Measles Immune Serum (Human).

Mumps Immune Serum (Human).

Pertussis Immune Serum (Human).

Scarlet Fever Immune Serum (Human).

#### 2. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

Normal Human Serum.

Single Donor Plasma (Human).

#### 3. *Diagnostic Substances for Dermal Tests*

Mumps Skin Test Antigen.

#### 4. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-A,B Blood Grouping Serum.

Absorbed Anti-A Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).

Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-Rh<sub>0</sub>'' (Anti-DE).

Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).

Anti-rh' (Anti-C).

Anti-rh'' (Anti-E).

Anti-hr' (Anti-c).

Anti-hr'' (Anti-e).

Anti-K Serum (Anti-Kell).

Anti-Human Serum.

License No. 140—Hyland Laboratories, Los Angeles, Calif.

#### 1. *Therapeutic Immune Serums*

Antimumps Serum.

Antipertussis Serum.

#### 2. *Blood and Blood Derivatives*

Antihemophilic Plasma (Human).

Citrated Whole Blood (Human).

Immune Serum Globulin (Human).

Mumps Immune Globulin (Human).

Normal Human Plasma.

Normal Serum Albumin (Human).

Packed Red Blood Cells (Human).

Pertussis Immune Globulin (Human).

Poliomyelitis Immune Globulin (Human).

Resuspended Red Blood Cells (Human).

#### 3. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-A,B Blood Grouping Serum.

Absorbed Anti-A Serum.

Group AB Serum (Human).

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).

Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-Rh<sub>0</sub>'' (Anti-DE).

Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).

Anti-rh' (Anti-C).

Anti-rh'' (Anti-E).

Anti-hr' (Anti-c).

Anti-hr'' (Anti-e).

Anti-rh<sup>w</sup> (Anti-C<sup>w</sup>).

Anti-K Serum (Anti-Kell).

Anti-M Serum.

Anti-N Serum.

Anti-Human Serum.

Anti-Human Precipitin Serum.

Haemophilus influenzae Typing Serum.

License No. 144—Wyeth Laboratories, Inc., Marietta, Pa.

#### 1. *Antitoxins*

Diphtheria Antitoxin.

Gas Gangrene Polyvalent Antitoxin.

Tetanus Antitoxin.

Tetanus and Gas Gangrene Polyvalent Antitoxin.

#### 2. *Therapeutic Immune Serums*

Antipertussis Serum.

#### 3. *Blood and Blood Derivatives*

Normal Horse Serum.

#### 4. *Bacterial Vaccines*

Cholera Vaccine.

Pertussis Vaccine.

Typhoid Vaccine.

Typhoid and Paratyphoid Vaccine.

## 5. *Toxoids and Toxins for Immunization*

Diphtheria Toxoid.

Diphtheria Toxoid Aluminum Phosphate Adsorbed.

Tetanus Toxoid.

Tetanus Toxoid Aluminum Phosphate Adsorbed.

### 6. *Multiple Antigen Preparations*

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.

Diphtheria and Tetanus Toxoids Combined Alum Precipitated.

Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (for Adult Use).

Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

### 7. *Viral and Rickettsial Vaccines*

Adenovirus Vaccine.

Poliomyelitis Vaccine.

Smallpox Vaccine.

### 8. *Diagnostic Substances for Dermal Tests*

Diphtheria Toxin for Schick Test.

Scarlet Fever Streptococcus Toxin for Dick Test.

Schick Test Control.

Tuberculin, Old.

### 9. *Allergenic Extracts*

Allergenic Extracts (including pollens and miscellaneous substances).

Poison Ivy Extract.

Poison Oak Extract.

Poison Ivy-Oak-Sumac Extracts Combined.

### 10. *Miscellaneous*

Antivenin (Crotalidae) Polyvalent.

License No. 147—Endo Laboratories, Inc., Richmond Hill, N.Y.

#### 1. *Allergenic Extracts*

Allergenic Extracts (including miscellaneous substances).

License No. 149—Armour Pharmaceutical Company, Division of Armour and Company of Chicago, Illinois, Kankakee, Ill.

#### 1. *Blood and Blood Derivatives*

Immune Serum Globulin (Human).

Normal Human Plasma.

Normal Serum Albumin (Human).

Poliomyelitis Immune Globulin (Human).

License No. 152—Gotham Pharmaceutical Co., Brooklyn, N.Y.

#### 1. *Allergenic Extracts*

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 154—John Elliott Blood Bank of Dade County, Inc., Miami, Fla.

#### 1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 155—Wiener Serum Laboratory, Brooklyn, N.Y.

1. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Absorbed Anti-A Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-hr'' (Anti-e).  
Anti-Fy<sup>a</sup> Serum (Anti-Duffy).  
Anti-k Serum (Anti-Cellano).  
Anti-K Serum (Anti-Kell).  
Anti-rh<sup>w</sup> and Anti-K Serum (Anti-(C<sup>w</sup>+Kell)).  
Anti-M Serum.  
Anti-N Serum.  
Anti-Human Serum.  
Anti-Human Precipitin Serum.

License No. 156—Ortho Pharmaceutical Corporation, Raritan, N.J.

1. *Blood and Blood Derivatives*

Fibrinogen (Human).  
Fibrinolysin (Human).  
Profibrinolysin (Human).  
Thrombin.

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-A, B Blood Grouping Serum.  
Absorbed Anti-A Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-hr'' (Anti-e).  
Anti-rh<sup>w</sup> (Anti-C<sup>w</sup>).  
Anti-Fy<sup>a</sup> Serum (Anti-Duffy).  
Anti-k Serum (Anti-Cellano).  
Anti-K Serum (Anti-Kell).  
Anti-M Serum.  
Anti-N Serum.  
Anti-S Serum.  
Anti-Human Serum.

License No. 157—Certified Blood Donor Service, Inc., Jamaica, N.Y.

1. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-A, B Blood Grouping Serum.  
Absorbed Anti-A Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-hr'' (Anti-e).  
Anti-rh<sup>w</sup> (Anti-C<sup>w</sup>).  
Anti-Fy<sup>a</sup> Serum (Anti-Duffy).  
Anti-k Serum (Anti-Cellano).  
Anti-K Serum (Anti-Kell).  
Anti-M Serum.

Anti-N Serum.  
Anti-P Serum.  
Anti-Human Serum.  
Anti-Human Precipitin Serum.

License No. 158—Washington Blood Laboratory, Washington, D.C.

1. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-A, B Blood Grouping Serum.  
Absorbed Anti-A Blood Grouping Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-Human Serum.

License No. 159—Blood Grouping Laboratory of Boston, Inc., Boston, Mass.

1. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Absorbed Anti-A Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-hr'' (Anti-e).  
Anti-rh<sup>w</sup> (Anti-C<sup>w</sup>).  
Anti-Rh<sub>0</sub>+Rh<sub>0</sub> (Anti-D+D<sup>u</sup>).  
Anti-Fy<sup>a</sup> Serum (Anti-Duffy).  
Anti-K Serum (Anti-Kell).  
Anti-Le<sup>a</sup> Serum (Anti-Lewis).  
Anti-Le<sup>b</sup> Serum.  
Anti-M Serum.  
Anti-Human Serum.

License No. 161—Blood Transfusion Association, New York, N.Y.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).  
Packed Red Blood Cells (Human).  
Single Donor Plasma (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-Human Serum.

License No. 162—Blood and Plasma Bank, New York University, Bellevue Medical Center, New York, N.Y.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).  
Normal Human Plasma.

License No. 163—High Titer Serum Laboratory, New York, N.Y.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Absorbed Anti-A Serum.

Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).

License No. 164—Knickerbocker Blood Bank, New York, N.Y.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-A, B Blood Grouping Serum.  
Absorbed Anti-A Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-hr'' (Anti-e).  
Anti-hr<sup>v</sup> (Anti-V).  
Anti-rh<sup>w</sup> (Anti-C<sup>w</sup>).  
Anti-Fy<sup>a</sup> Serum (Anti-Duffy).  
Anti-Jk<sup>a</sup> Serum (Anti-Kidd).  
Anti-Jk<sup>b</sup> Serum.  
Anti-K Serum (Anti-Kell).  
Anti-k Serum (Anti-Cellano).  
Anti-Le<sup>a</sup> Serum (Anti-Lewis).  
Anti-M Serum.  
Anti-P Serum.  
Anti-S Serum.  
Anti-s Serum.  
Anti-Human Serum.

3. *Miscellaneous*

Blood Group Specific Substance A.  
Blood Group Specific Substance B.

License No. 165—Blood Bank Foundation, Nashville, Tenn.

1. *Blood and Blood Derivatives*

Antihemophilic Plasma (Human).  
Citrated Whole Blood (Human).  
Normal Human Plasma.  
Packed Red Blood Cells (Human).  
Resuspended Red Blood Cells (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Absorbed Anti-A Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Rh<sub>0</sub>' (Anti-CD).  
Anti-Rh<sub>0</sub>'' (Anti-DE).  
Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).  
Anti-rh' (Anti-C).  
Anti-rh'' (Anti-E).  
Anti-hr' (Anti-c).  
Anti-hr'' (Anti-e).  
Anti-K Serum (Anti-Kell).  
Anti-Human Serum.

Blood Bank Foundation, Atlanta Branch, Atlanta, Ga.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 166—Belle Bonfils Memorial Blood Bank, Denver, Colo.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).  
Packed Red Blood Cells (Human).

## Resuspended Red Blood Cells (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-rh'' (Anti-E).

Anti-hr' (Anti-c).

Anti-hr'' (Anti-e).

Anti-K Serum (Anti-Kell).

License No. 167—J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-rh' (Anti-C).

Anti-rh'' (Anti-E).

Anti-hr' (Anti-c).

Anti-Human Serum.

License No. 168—Mount Sinai Medical Research Foundation, Chicago, Ill.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).

Anti-M Serum.

Anti-N Serum.

Anti-Human Serum.

License No. 169—Chicago Blood Donor Service, Inc., Chicago, Ill.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

Packed Red Blood Cells (Human).

Single Donor Plasma (Human).

License No. 170—Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

License No. 171—Courtland Laboratories, Los Angeles, Calif.

1. *Therapeutic Immune Serums*

Chickenpox Immune Serum (Human).

Measles Immune Serum (Human).

Mumps Immune Serum (Human).

Pertussis Immune Serum (Human).

Scarlet Fever Immune Serum (Human).

2. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

Immune Serum Globulin (Human).

Normal Serum Albumin (Human).

Normal Human Plasma.

Poliomyelitis Immune Globulin (Human).

License No. 173—Interstate Blood Bank, Inc., Memphis, Tenn.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

License No. 174—Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio

1. *Allergenic Extracts*

Tincture Poison Ivy.

License No. 175—Inter-County Blood Bank, Inc., Jamaica, N.Y.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

Packed Red Blood Cells (Human).

License No. 176—Laboratorios Myn, Mexico D.F., Mexico

1. *Miscellaneous*

Antivenin, Scorpion.

License No. 177—Rogatol Pharmaceutical Co., Hato Rey, P.R.

1. *Allergenic Extracts*Allergenic Extract—*Schistosoma mansoni*.

License No. 178—California Transfusion Service, Los Angeles, Calif.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

License No. 179—Dade Reagents, Inc., Miami, Fla.

1. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-A,B Blood Grouping Serum.

Absorbed Anti-A Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).Anti-Rh<sub>0</sub>' (Anti-CD).Anti-Rh<sub>0</sub>'' (Anti-DE).Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).

Anti-rh' (Anti-C).

Anti-rh'' (Anti-E).

Anti-hr' (Anti-c).

Anti-hr'' (Anti-e).

Anti-K Serum (Anti-Kell).

Anti-M Serum.

Anti-N Serum.

Anti-Human Serum.

License No. 181—Jacksonville Blood Bank, Inc., Jacksonville, Fla.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

Packed Red Blood Cells (Human).

Single Donor Plasma (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-A,B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).

Anti-Human Serum.

License No. 182—Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

Normal Human Plasma.

Packed Red Blood Cells (Human).

Resuspended Red Blood Cells (Human).

License No. 183—Southwest Blood Banks, Inc., Phoenix, Ariz.

This establishment license includes the following locations:

Southwest Blood Bank of Albuquerque, Albuquerque, N. Mex.

Southwest Blood Bank of Alexandria, Alexandria, La.

Southwest Blood Bank of Cheyenne, Cheyenne, Wyo.

Southwest Blood Bank of El Paso, El Paso, Tex.

Southwest Blood Bank of Harlingen, Harlingen, Tex.

Southwest Blood Bank of Houston, Houston, Tex.

Southwest Blood Bank of Little Rock, Little Rock, Ark.

Southwest Blood Bank of Lubbock, Lubbock, Tex.

Southwest Blood Bank of Meridian, Meridian, Miss.

Southwest Blood Bank of Minot, Minot, N. Dak.

Southwest Blood Bank of Phoenix, Phoenix, Ariz.

Southwest Blood Bank of Reno, Reno, Nev.

Southwest Blood Bank of San Antonio, San Antonio, Tex.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

License No. 184—Travenol Laboratories, Inc., Morton Grove, Ill., and Los Angeles, Calif.

1. *Therapeutic Immune Serums*

Antimumps Serum (Human).

Antipertussis Serum (Human).

2. *Bacterial Antigens*

Pseudomonas Polysaccharide.

3. *Blood and Blood Derivatives*

Antihemophilic Plasma (Human).

Immune Serum Globulin (Human).

Normal Human Plasma.

Normal Serum Albumin (Human).

Poliomyelitis Immune Globulin (Human).

4. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-A,B Blood Grouping Serum.

Absorbed Anti-A Serum.

Group AB Serum (Human).

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).Anti-Rh<sub>0</sub>' (Anti-CD).Anti-Rh<sub>0</sub>'' (Anti-DE).Anti-Rh<sub>0</sub> rh' rh'' (Anti-CDE).

Anti-rh' (Anti-C).

Anti-rh'' (Anti-E).

Anti-hr' (Anti-c).

Anti-M Serum.

Anti-N Serum.

Anti-Human Serum.

Anti-Human Precipitin Serum.

License No. 185—Minneapolis War Memorial Blood Bank, Inc., Minneapolis, Minn.

1. *Blood and Blood Derivatives*

Citratd Whole Blood (Human).

Normal Human Plasma.

Packed Red Blood Cells (Human).

Resuspended Red Blood Cells (Human).

2. *Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.



**Anti-Rh Typing Serums:**

Anti-Rh<sub>0</sub> (Anti-D).  
 Anti-Rh<sub>0</sub>' (Anti-CD).  
 Anti-rh' (Anti-C).  
 Anti-rh'' (Anti-E).  
 Anti-hr' (Anti-c).

License No. 187—Milwaukee Blood Center, Inc., Milwaukee, Wis.

**1. Therapeutic Immune Serums**

Measles Immune Serum (Human).  
 Mumps Immune Serum (Human).  
 Pertussis Immune Serum (Human).  
 Poliomyelitis Immune Serum (Human).  
 Scarlet Fever Immune Serum (Human).

**2. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Normal Human Plasma.  
 Normal Human Serum.  
 Single Donor Plasma (Human).

**3. Diagnostic Substances for Laboratory Tests**

Anti-A Blood Grouping Serum.  
 Anti-B Blood Grouping Serum.  
 Anti-Rh Typing Serums:  
 Anti-Rh<sub>0</sub> (Anti-D).  
 Anti-Rh<sub>0</sub>' (Anti-CD).  
 Anti-Rh<sub>0</sub>rh'rh'' (Anti-CDE).  
 Anti-Human Serum.

License No. 188—Research Foundation and University of Illinois, Chicago, Ill.

**1. Bacterial Vaccines**

BCG Vaccine.

License No. 190—The American National Red Cross, Washington, D.C.

This establishment license includes the following locations:

Appalachian Regional Blood Center, Roanoke, Va.  
 Asheville Regional Blood Center, Asheville, N.C.  
 Atlanta Regional Blood Center, Atlanta, Ga.  
 Badger Regional Blood Center, Madison, Wis.  
 Baltimore Regional Blood Center, Baltimore, Md.  
 Beaver County Regional Blood Center, New Brighton, Pa.  
 Birmingham Regional Blood Center, Birmingham, Ala.  
 Black Hawk County Regional Blood Center, Waterloo, Iowa.  
 Boise Regional Blood Center, Boise, Idaho.  
 Buffalo Regional Blood Center, Buffalo, N.Y.  
 Central Texas Regional Blood Center, Waco, Tex.  
 Charlotte Regional Blood Center, Charlotte, N.C.  
 Cleveland Regional Blood Center, Cleveland, Ohio.  
 Columbia River Regional Blood Center, Yakima, Wash.  
 Columbus Regional Blood Center, Columbus, Ohio.  
 Connecticut Regional Blood Center, Hartford, Conn.  
 Detroit Regional Blood Center, Detroit, Mich.  
 Fort Wayne Regional Blood Center, Fort Wayne, Ind.  
 Four County Regional Blood Center, San Jose, Calif.

Greater Toledo Regional Blood Center, Toledo, Ohio.

Huntington Regional Blood Center, Huntington, W. Va.

Intermountain Regional Blood Center, Salt Lake City, Utah.

Johnstown Regional Blood Center, Johnstown, Pa.

Knox County Regional Blood Center, Galesburg, Ill.

Lansing Regional Blood Center, Lansing, Mich.

Los Angeles-Orange Counties Regional Blood Center, Los Angeles, Calif.

Louisville Regional Blood Center, Louisville, Ky.

Massachusetts Regional Blood Center, Boston, Mass.

Mobile Regional Center, Mobile, Ala.

Montana Regional Blood Center, Great Falls, Mont.

Muskegon County Regional Blood Center, Muskegon, Mich.

Nashville Regional Blood Center, Nashville, Tenn.

Nebraska-Iowa Regional Blood Center, Omaha, Nebr.

New York Regional Blood Center, New York, N.Y.

Northeastern Pennsylvania Regional Blood Center, Wilkes-Barre, Pa.

Pacific Northwest Regional Blood Center, Portland, Oreg.

Peoria Regional Blood Center, Peoria, Ill.

Philadelphia Regional Blood Center, Philadelphia, Pa.

Rochester Regional Blood Center, Rochester, N.Y.

South Atlantic Regional Blood Center, Savannah, Ga.

South Carolina Regional Blood Center, Columbia, S.C.

Southern Arizona Regional Blood Center, Tucson, Ariz.

Springfield Regional Blood Center, Springfield, Mo.

St. Louis Regional Blood Center, St. Louis, Mo.

St. Paul Regional Blood Center, St. Paul, Minn.

Syracuse Regional Blood Center, Syracuse, N.Y.

Tidewater Regional Blood Center, Norfolk, Va.

Tulsa County Regional Blood Center, Tulsa, Okla.

Vermont-New Hampshire Regional Blood Center, Burlington, Vt.

Volusia Flagler Regional Blood Center, Daytona Beach, Fla.

Washington, D.C. Regional Blood Center, Washington, D.C.

Wichita County Regional Blood Center, Wichita Falls, Tex.

Wichita Regional Blood Center, Wichita, Kans.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Normal Human Plasma.  
 Packed Red Blood Cells (Human).  
 Single Donor Plasma (Human).

License No. 191—Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Packed Red Blood Cells (Human).

Resuspended Red Blood Cells (Human).  
 Single Donor Plasma (Human).

**2. Diagnostic Substances for Laboratory Tests**

Anti-A Blood Grouping Serum.  
 Anti-B Blood Grouping Serum.

License No. 192—King County Central Blood Bank, Seattle, Wash.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Normal Human Plasma.

License No. 193—Center Laboratories, Port Washington, N.Y.

**1. Allergenic Extracts**

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 194—Sacramento Medical Foundation Blood Bank, Sacramento, Calif.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Packed Red Blood Cells (Human).  
 Single Donor Plasma (Human).

License No. 195—Peninsula Memorial Blood Bank, Burlingame, Calif.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).

License No. 197—Sonoma County Community Blood Bank, Santa Rosa, Calif.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).

License No. 198—Tri-Counties Blood Bank, Santa Barbara, Calif.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).

License No. 199—Blood Bank of Hawaii, Honolulu, Hawaii

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Normal Human Plasma.

License No. 201—San Diego Blood Bank, San Diego, Calif.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).

License No. 202—Tacoma-Pierce County Blood Bank, Tacoma, Wash.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Packed Red Blood Cells (Human).  
 Single Donor Plasma (Human).

License No. 203—Spokane & Inland Empire Blood Bank, Spokane, Wash.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).  
 Single Donor Plasma (Human).

License No. 204—Virginia Blood Bank, Inc., Richmond, Va.

**1. Blood and Blood Derivatives**

Citrated Whole Blood (Human).

**2. Diagnostic Substances for Laboratory Tests**

Anti-B Blood Grouping Serum.

License No. 209—Maxwell Blood Bank,  
The Children's Memorial Hospital,  
Chicago, Ill.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 212—District of Columbia  
General Hospital, Washington, D.C.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 213—Blood Bank of the  
Washington Hospital Center, Wash-  
ington, D.C.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 214—Doctors Hospital  
Blood Bank, Washington, D.C.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 215—Blood Grouping  
Laboratory, Washington, D.C.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

Normal Human Plasma.

Packed Red Blood Cells (Human).

Resuspended Red Blood Cells (Human).

License No. 217—Freedmen's Hospital,  
Washington, D.C.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 218—Providence Hospital  
Blood Bank, Washington, D.C.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 219—Fargo Clinic Blood  
Bank, Fargo, N. Dak.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 220—Broome County Blood  
Center, Binghamton, N.Y.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 221—Essex County Blood  
Bank, Inc., Newark, N.J.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 222—Aurora Blood Bank and  
Donors Society, Aurora, Ill.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

Packed Red Blood Cells (Human).

License No. 224—Community Blood and  
Plasma Service, Inc., Birmingham, Ala.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 226—Blood Bank of San  
Bernardino and Riverside Counties,  
Inc., San Bernardino, Calif.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 227—Central Florida Blood  
Bank, Incorporated, Orlando, Fla.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 228—Southwest Florida  
Blood Bank, Inc., Tampa, Fla.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 229—Bender Laboratory  
Blood Bank, Albany, N.Y.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 231—Dubuque Blood Bank  
Association, Dubuque, Iowa

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

Normal Human Plasma.

License No. 232—Holy Cross Hospital  
Research Foundation, Salt Lake City,  
Utah

1. *Diagnostic Substances for Laboratory  
Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub> (Anti-D).

Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-hr' (Anti-c).

Anti-Human Serum.

License No. 233—Ochsner Foundation  
Hospital Blood Bank, New Orleans, La.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 234—Central Blood Bank of  
Pittsburgh, Pittsburgh, Pa.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 235—University of Cincin-  
nati Blood Transfusion Service, Cin-  
cinnati, Ohio

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

Packed Red Blood Cells (Human).

Resuspended Red Blood Cells (Human).

License No. 236—Medical Center-State  
Health Department Blood Bank, Grand  
Forks, N. Dak.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 237—Shreveport Emergency  
Blood Bank, Inc., Shreveport, La.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 238—Istituto Sieroterapico  
Toscano, Siena, Italy

1. *Therapeutic Immune Serums*

Antirabies Serum.

License No. 239—Houchin Community  
Blood Bank, Bakersfield, Calif.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 240—Memphis Blood  
Center, Inc., Memphis, Tenn.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 241—Community Blood and  
Plasma Service, Inc. of Texas, Houston,  
Tex.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 243—Blood Plasma Corpora-  
tion of Japan, Osaka, Japan

1. *Blood and Blood Derivatives*

Normal Human Plasma.

License No. 244—Travis County Medical  
Society Blood Bank, Austin, Tex.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 245—Nihon Seiyaku Co., Ltd.,  
Tokyo, Japan

1. *Blood and Blood Derivatives*

Normal Human Plasma.

License No. 246—Potter County Memorial  
Blood Center, Inc., Amarillo, Tex.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 248—Central Blood Bank,  
Inc., South Bend, Ind.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 249—Northern Illinois Blood  
Bank, Inc., Rockford, Ill.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 250—St. Luke's Hospital  
Blood Bank, Aberdeen, S. Dak.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 251—Jacob Blumberg Memo-  
rial Blood Bank, Inc., of the Lake  
County Medical Society, Waukegan, Ill.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 252—Detroit Blood Service,  
Inc., Detroit, Mich.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

Packed Red Blood Cells (Human).

Single Donor Plasma (Human).

License No. 254—Knoxville Blood Center,  
Inc., Knoxville, Tenn.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 257—Chek-Lab. Inc., Chicago,  
Ill.

1. *Diagnostic Substances for Laboratory  
Tests*

Anti-A Blood Grouping Serum.

Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:

Anti-Rh<sub>0</sub>' (Anti-CD).

Anti-Human Serum.

License No. 258—Osterreichisches Insti-  
tut fur Haemoderivate; Vienna, Austria

1. *Blood and Blood Derivatives*

Immune Serum Globulin (Human).

Poliomyelitis Immune Globulin (Hu-  
man).

License No. 259—Holston Valley Com-  
munity Hospital Blood Bank, Kings-  
port, Tenn.

1. *Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 260—St. Francis Hospital Blood Bank, Trenton, N.J.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 261—Hospital Blood Service, Inc., Detroit, Mich.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 262—Service League Community Blood Bank, Inc., Pueblo Colo.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 263—The Community Blood Bank, Norton, Va.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 264—Mid-West Blood Bank and Plasma Service Kansas City, Mo.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 265—W. E. Stewart Blood Bank, Inc., Tyler, Tex.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 266—Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 267—Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 268—Community Blood Service, Inc., St. Louis, Mo.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 269—Beverly Blood Center, Inc., Chicago, Ill.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 270—Marietta Memorial Hospital, Marietta, Ohio

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 271—St. Luke's Memorial Hospital Blood Bank, Racine, Wis.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 272—Southern Michigan Blood Center, Inc., Detroit, Mich.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 273—Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 274—Bergen Community Blood Bank, Paramus, N.J.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

No. 154—6

License No. 275—U.S. Pharmaceutical, Inc., Burbank, Calif.

*1. Blood and Blood Derivatives*

Normal Human Plasma.

*2. Diagnostic Substances for Laboratory Tests*

Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).

License No. 276—Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 277—Community Memorial General Hospital, La Grange, Ill.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 278—Brooklyn Donor Center, Inc., Brooklyn, N.Y.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 279—Menolasino Laboratories, Melrose Park, Ill.

*1. Diagnostic Substances for Laboratory Tests*

Anti-Human Serum.

License No. 280—Ward Laboratories, Durham, N.C.

*1. Diagnostic Substances for Laboratory Tests*

Anti-Fy<sup>a</sup> Serum (Anti-Duffy).  
Anti-K Serum (Anti-Kell).  
Anti-Human Serum.

License No. 281—Nuclear Consultants Corporation, St. Louis, Mo.

*1. Blood and Blood Derivatives*

Radio-Iodinated (I<sup>131</sup>) Serum Albumin (Human).

License No. 283—Hoffmann Laboratories, Inc., Paterson, N.J.

*1. Bacterial Antigens*

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 284—Rhode Island Hospital Blood Bank, Providence, R.I.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 285—Marathon County Blood Bank, Inc., Wausau, Wis.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 286—Edgewater Hospital Blood Bank, Chicago, Ill.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 287—Cleveland Donor Service, Inc., Cleveland, Ohio

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 288—Delta Blood Bank, Stockton, Calif.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 289—Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

*2. Diagnostic Substances for Laboratory Tests*

Anti-A Blood Grouping Serum.  
Anti-B Blood Grouping Serum.  
Anti-A, B Blood Grouping Serum.  
Anti-Rh Typing Serums:  
Anti-Rh<sub>0</sub> (Anti-D).  
Anti-Human Serum.

License No. 290—Pineview General Hospital Blood Bank, Valdosta, Ga.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 291—Sci Lab, Derby, Colo.

*1. Diagnostic Substances for Dermal Tests*

Blastomycin, Pin Test.  
Coccidioidin, Pin Test.  
Histoplasmin, Pin Test.  
Tuberculin, Pin Test.

License No. 292—Graham Laboratories, Inc., Dallas, Tex.

*1. Allergenic Extracts*

Allergenic Extracts.

License No. 293—Passaic Blood Bank, Inc., Passaic, N.J.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 295—St. Mary Community Blood Bank, Hoboken, N.J.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 296—Midwest Blood Service, Inc., Detroit, Mich.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 297—Pfizer Laboratories, Div. Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind.

*1. Viral and Rickettsial Vaccines*

Influenza Virus Vaccine.

License No. 298—Lewiston-Clarkston Blood Bank, Lewiston, Idaho

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 299—The Lincoln Foundation, Swarthmore, Pa.

*1. Bacterial Antigens*

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 300—Massachusetts General Hospital Blood Bank, Boston, Mass.

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 301—Cleveland Biologicals, Inc., Cleveland, Ohio

*1. Blood and Blood Derivatives*

Citrated Whole Blood (Human).

License No. 302—Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).  
Packed Red Blood Cells (Human).  
Single Donor Plasma (Human).

License No. 303—Delta Biochemicals, Inc., San Antonio, Tex.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 304—Lane County Blood Bank, Eugene, Oreg.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 305—Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 306—Purex Laboratories, Inc., Staten Island, N.Y.

1. Allergenic Extracts

Allergenic Extracts.

License No. 307—Cappel Laboratories, Inc., West Chester, Pa.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 308—Greer Drug & Chemical Corporation, Lenoir, N.C.

1. Allergenic Extracts

Allergenic Extracts.

License No. 309—Suburban Hospital Blood Bank, Bethesda, Md.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 310—Arlington Hospital Blood Bank, Arlington, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 311—Syntex Chemical Co., Inc., New York, N.Y.

1. Allergenic Extracts

Poison Ivy Extract Alum Precipitated.

License No. 312—World Blood Bank, Inc., Kansas City, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 313—Robeson County Memorial Hospital Blood Bank, Lumberton, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 314—Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 315—Central California Blood Bank, Fresno, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

Part II. List of Biologic Products With License Numbers of Establishments Licensed for Each Product

1. Antitoxins

B. *histolyticus* Antitoxin—17.  
B. *oedematiens* Antitoxin—1, 8, 17.  
B. *sordellii* Antitoxin—17.  
Botulism Antitoxin—17.  
Diphtheria Antitoxin—1, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144.  
Dysentery Antitoxin, Shiga—1.  
Gas Gangrene Polyvalent Antitoxin—8, 17, 101, 144.  
Perfringens Antitoxin—1, 8, 17, 56, 110.  
Staphylococcus Antitoxin—73.  
Tetanus Antitoxin—1, 2, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144.  
Tetanus and Gas Gangrene Polyvalent Antitoxin—1, 8, 17, 56, 101, 110, 144.  
V. *septica* Antitoxin—1, 8, 17, 56, 110.

2. Therapeutic Immune Serums

Antibrucella Serum—2.  
Antierysipeloid Serum—110.  
Anti-Hemophilus Influenzae Type b Serum—99.  
Antimumps Serum—140, 184.  
Antipertussis Serum—140, 144, 184.  
Antipneumococcic Serum—99.  
Antirabies Serum—17, 238.  
Anti-Rocky Mountain Spotted Fever Serum—2.  
Antitularemia Serum—2.  
Chicken Pox Immune Serum (Human)—171.  
Measles Immune Serum (Human)—113, 139, 171, 187.  
Mumps Immune Serum (Human)—113, 139, 171, 187.  
Pertussis Immune Serum (Human)—139, 171, 187.  
Poliomyelitis Immune Serum (Human)—113, 187.  
Scarlet Fever Immune Serum (Human)—113, 139, 171, 187.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human)—8, 99.  
Antihemophilic Plasma (Human)—113, 140, 165, 184.  
Citrated Whole Blood (Human)—2, 84, 99, 113, 139, 140, 154, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 175, 178, 181, 182, 183, 185, 187, 190, 191, 192, 194, 195, 197, 198, 199, 201, 202, 203, 204, 209, 212, 213, 214, 215, 217, 218, 219, 220, 221, 222, 224, 226, 227, 228, 229, 231, 233, 234, 235, 236, 237, 239, 240, 241, 244, 246, 248, 249, 250, 251, 252, 254, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 284, 285, 286, 287, 288, 289, 290, 293, 295, 296, 298, 300, 301, 302, 304, 305, 309, 310, 312, 313, 314, 315.  
Fibrinogen—2, 8, 52, 99, 156.  
Fibrinolysin—156.  
Histamine Azoprotein—1.  
Human Blood Cells—2.  
Immune Serum Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 171, 184, 258.  
Mumps Immune Globulin (Human)—8, 140.  
Normal Bovine Serum—2.  
Normal Horse Serum—2, 14, 99, 144.

Normal Human Plasma—2, 8, 99, 113, 140, 149, 162, 165, 171, 182, 184, 185, 187, 190, 192, 199, 215, 231, 243, 245, 275.

Normal Human Serum—113, 139, 187.  
Normal Rabbit Serum—99.

Normal Serum Albumin (Human)—2, 8, 52, 64, 73, 99, 140, 149, 171, 184.

Packed Red Blood Cells (Human)—113, 140, 161, 165, 166, 169, 175, 181, 182, 185, 190, 191, 194, 202, 215, 222, 235, 252, 302.

Pertussis Immune Globulin (Human)—8, 140.

Plasma Protein Fraction (Human)—8.  
Poliomyelitis Immune Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 171, 184, 258.

Profibrinolysin (Human)—156.  
Radio-Iodinated ( $I^{131}$ ) Serum Albumin (Human)—43, 52, 281.

Resuspended Red Blood Cells (Human)—99, 113, 140, 165, 166, 182, 185, 191, 215, 235.

Single Donor Plasma (Human)—139, 161, 169, 181, 187, 190, 191, 194, 202, 203, 252, 302.

Tetanus Immune Globulin (Human)—8.  
Thrombin—1, 2, 3, 51, 156.

4. Bacterial Vaccines

BCG Vaccine—188.  
Cholera Vaccine—1, 2, 8, 11, 17, 56, 101, 144.  
Bacterial Vaccine made from Partially Autolyzed Pneumococci—56.  
Pertussis Vaccine—1, 2, 8, 14, 17, 30, 56, 64, 99, 101, 110, 120, 121, 144.  
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.  
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.  
Plague Vaccine—8.  
Typhoid Vaccine—2, 8, 11, 14, 56, 64, 99, 101, 105, 110, 120, 121, 144.  
Typhoid and Paratyphoid Vaccine—1, 2, 8, 14, 17, 56, 64, 99, 101, 110, 120, 144.  
Polyvalent bacterial vaccines with "No U.S. Standard of Potency"—1, 2, 8, 17, 30, 56, 91, 101, 105, 110, 111, 119.

5. Sensitized Bacterial Vaccines

Cholera Vaccine—2.  
Pertussis Vaccine—2.  
Typhoid Vaccine—2.  
Typhoid and Paratyphoid Vaccine—2.  
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency"—2.

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic—2.  
Pseudomonas Polysaccharide—184.  
Polyvalent bacterial antigens with "No U.S. Standard of Potency"—1, 2, 30, 56, 108, 110, 135, 283, 299.

7. Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U.S. Standard of Potency"—1.

8. Toxoids and Toxins for Immunization

Diphtheria Toxoid—1, 2, 8, 14, 17, 56, 64, 73, 99, 101, 110, 120, 121, 144.  
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8.  
Diphtheria Toxoid Aluminum Hydroxide Precipitated—121.

Diphtheria Toxoid Aluminum Phosphate Adsorbed—1, 14, 17, 99, 144.  
 Diphtheria Toxoid Protamine Precipitated—2.  
 Scarlet Fever Streptococcus Toxin for Immunization—17, 101.  
 Staphylococcus Toxoid—1, 2, 11, 17, 73, 101, 110.  
 Streptococcus Erythrogenic Toxin—101.  
 Tetanus Toxoid—1, 2, 8, 14, 17, 56, 64, 73, 99, 101, 110, 144.  
 Tetanus Toxoid Aluminum Hydroxide Adsorbed—8.  
 Tetanus Toxoid Aluminum Phosphate Adsorbed—1, 17, 99, 144.

#### 9. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed—1.  
 Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine—2.  
 Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1, 2, 8, 56, 101.  
 Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—2, 8, 56, 99.  
 Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—17, 101, 110, 144.  
 Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.  
 Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.  
 Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.  
 Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.  
 Diphtheria and Tetanus Toxoids Combined—1, 8, 17, 56.  
 Diphtheria and Tetanus Toxoids Combined Alum Precipitated—2, 56, 99, 101, 110, 144.  
 Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.  
 Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.  
 Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.  
 Diphtheria Toxoid and Pertussis Vaccine Combined—8.  
 Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated—2, 121.  
 Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined—101, 110, 120, 144.  
 Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1.  
 Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined—144.  
 Staphylococcus Toxoid—B. Vaccine made from Staphylococcus (Aureus)—101.  
 Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)—1, 52.

Staphylococcus Toxoid-Streptococcus Toxin—B. Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), *D. pneumoniae* and *H. influenzae*—101.  
 Tetanus Toxoid and Pertussis Vaccine Combined—8.  
 Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use)—2, 56, 101, 144.  
 Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use)—8.  
 Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use)—144.

#### 10. Viral and Rickettsial Vaccines

Adenovirus Vaccine—1, 144.  
 Encephalitis Vaccine, Herpes "F" Strain—17.  
 Equine Encephalomyelitis Vaccine (Eastern)—8, 110.  
 Equine Encephalomyelitis Vaccine (Western)—8, 110.  
 Influenza Virus Vaccine—1, 2, 17, 56, 101, 110, 297.  
 Mumps Vaccine—17, 56.  
 Poliomyelitis Vaccine—1, 2, 8, 56, 110, 144.  
 Q Fever Vaccine—17.  
 Rabies Vaccine—1, 2, 17, 56, 99, 101, 110, 120, 121.  
 Rocky Mountain Spotted Fever Vaccine—2, 17.  
 Smallpox Vaccine—1, 2, 8, 14, 17, 56, 64, 99, 101, 144.  
 Typhus Vaccine—2, 56, 110.  
 Typhus Vaccine (Epidemic)—17, 101.  
 Yellow Fever Vaccine—101.

#### 11. Diagnostic Substances for Dermal Tests

Blastomycin—1.  
 Blastomycin, Pin Test—291.  
 Coccidioidin—8.  
 Coccidioidin, Pin Test—291.  
 Diphtheria Toxin for Schick Test—1, 2, 8, 14, 56, 64, 99, 101, 110, 120, 121, 144.  
 Histoplasmin—1, 56, 99.  
 Histoplasmin, Pin Test—291.  
 Lymphogranuloma Venereum Antigen—17, 52.  
 Mumps Skin Test Antigen—56, 139.  
 Scarlet Fever Streptococcus Toxin for Dick Test—2, 17, 101, 144.  
 Schick Test Control—2, 8, 14, 56, 64, 99, 101, 110, 121, 144.  
 Tuberculin, Old—1, 8, 14, 17, 56, 64, 99, 110, 121, 144.  
 Tuberculin, Patch Test—17.  
 Tuberculin, Pin Test—291.  
 Tuberculin, Purified Protein Derivatives—1, 2.

#### 12. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum—2, 8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 168, 179, 181, 184, 185, 187, 191, 232, 257, 289.  
 Anti-B Blood Grouping Serum—2, 8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 168, 179, 181, 184, 185, 187, 191, 204, 232, 257, 289.  
 Anti-A,B Blood Grouping Serum—113, 139, 140, 156, 157, 158, 164, 179, 181, 184, 289.

Absorbed Anti-A Serum—113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 179, 184.

Group AB Serum (Human)—140, 184.

#### Anti-Rh Typing Serums:

Anti-Rho (Anti-D)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 232, 275, 289.  
 Anti-Rho' (Anti-CD)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185, 187, 232, 257.  
 Anti-Rho'' (Anti-DE)—113, 139, 140, 155, 156, 157, 158, 163, 164, 165, 179, 184.  
 Anti-Rho rh' rh'' (Anti-CDE)—113, 139, 140, 156, 157, 158, 164, 165, 179, 184, 187.  
 Anti-rh' (Anti-C)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 167, 179, 184, 185.  
 Anti-rh'' (Anti-E)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185.  
 Anti-hr' (Anti-c)—113, 139, 140, 155, 156, 157, 158, 159, 164, 165, 166, 167, 179, 184, 185, 232.  
 Anti-hr'' (Anti-e)—139, 140, 155, 156, 157, 159, 164, 165, 166, 179.  
 Anti-hr\* (Anti-V)—164.  
 Anti-rh\* (Anti-C\*)—140, 156, 157, 159, 164.  
 Anti-Rho+Rh<sub>0</sub> (Anti-D+D<sup>0</sup>)—159.  
 Anti-Fy<sup>a</sup> Serum (Anti-Duffy)—155, 156, 157, 159, 164, 280.  
 Anti-Jk<sup>a</sup> Serum (Anti-Kidd)—164.  
 Anti-Jk<sup>b</sup> Serum—164.  
 Anti-k Serum (Anti-Cellano)—155, 156, 157, 164.  
 Anti-K Serum (Anti-Kell)—113, 139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 280.  
 Anti-rh\* and Anti-K Serum (Anti-C\*+Kell)—155.  
 Anti-Le<sup>a</sup> Serum (Anti-Lewis)—159, 164.  
 Anti-Le<sup>b</sup> Serum—159.  
 Anti-M Serum—17, 140, 155, 156, 157, 159, 164, 168, 179, 184.  
 Anti-N Serum—17, 140, 155, 156, 157, 168, 179, 184.  
 Anti-P Serum—157, 164.  
 Anti-S Serum—156, 164.  
 Anti-s Serum—164.  
 Anti-Human Serum—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 164, 165, 167, 168, 179, 181, 184, 187, 232, 257, 279, 280, 289, 303, 307.  
 Anti-Human Precipitin Serum—140, 155, 157, 184.  
 Haemophilus influenzae Typing Serum—140.  
 Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test—1.  
 Influenza Virus Hemagglutinating Antigen—1.  
 Pneumococcus Typing Serum—99.

#### 13. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances)—1, 8, 17, 30, 43, 56, 84, 91, 101, 103, 105, 107, 110, 119, 144, 147, 152, 193, 292, 306, 308.  
 Allergenic Extract-Schistosoma mansoni—177.  
 Fungus Antigens—56.  
 Poison Ivy Extract—1, 2, 8, 30, 91, 102, 110, 119, 144.



Poison Ivy Extract Alum Precipitated—105, 311.  
 Poison Ivy-Poison Oak Extracts Combined—30, 110.  
 Poison Ivy-Oak-Sumac Extracts Combined—119, 144.  
 Poison Oak Extract—2, 8, 30, 91, 102, 110, 144.  
 Poison Sumac Extract—119.  
 Tincture Poison Ivy—102, 174.  
 Trichinella Extract—17.

#### 14. Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride—1.

#### 15. Miscellaneous

##### Antivenins:

Antivenin (*Latrodectus mactans*)—2.  
 Antivenin (Crotalidae) Polyvalent—144.  
 Antivenin, Scorpion—176.  
 Blood Group Specific Substances:  
 Blood Group Specific Substance A—164.  
 Blood Group Specific Substance B—164.  
 Blood Group Specific Substances A and B—2.

##### Enzymes:

Streptokinase - Streptodornase — 17, 129.

##### Venoms:

Bee Venom—2.  
 Cobra Venom Solution—125.  
 Cobra Venom with Silicic and Formic Acids—125.  
 Russell Viper Venom—129.

### Part III. Licensed Establishments Arranged Alphabetically

#### A. DOMESTIC ESTABLISHMENTS

	United States License No.
Abbott Laboratories, North Chicago, Ill.	43
Allergy Laboratories, Oklahoma City, Okla.	103
American National Red Cross, Washington, D.C.	190
Arlington Hospital Blood Bank, Arlington, Va.	310
Armour Pharmaceutical Co., Division of Armour and Co. of Chicago, Ill., Kankakee, Ill.	149
Aurora Blood Bank and Donors Society, Aurora, Ill.	222
Barry Laboratories, Inc., Detroit, Mich.	119
Belle Bonfils Memorial Blood Bank, Denver, Colo.	166
Bender Laboratory Blood Bank, Albany, N.Y.	229
Bergen Community Blood Bank, Paramus, N.J.	274
Beverly Blood Center, Inc., Chicago, Ill.	269
Blood and Plasma Bank, New York University-Bellevue Medical Center, New York, N.Y.	162
Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.	266
Blood Bank Foundation, Nashville, Tenn.	165
Blood Bank of Hawaii, Honolulu, Hawaii.	199
Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.	314

Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.	191
Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.	267
Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.	226
Blood Bank of the Washington Hospital Center, Washington, D.C.	213
Blood Grouping Laboratory, Washington, D.C.	215
Blood Grouping Laboratory of Boston, Inc., Boston, Mass.	159
Blood Transfusion Association, New York, N.Y.	161
Broome County Blood Center, Binghamton, N.Y.	220
Brooklyn Donor Center, Inc., Brooklyn, N.Y.	278
Cappel Laboratories, Inc., West Chester, Pa.	307
C. F. Kirk Company, New York, N.Y.	105
California Transfusion Service, Los Angeles, Calif.	178
Center Laboratories, Port Washington, N.Y.	193
Central Blood Bank, Inc., South Bend, Ind.	248
Central Blood Bank of Pittsburgh, Pittsburgh, Pa.	234
Central California Blood Bank, Fresno, Calif.	315
Central Florida Blood Bank, Incorporated, Orlando, Fla.	227
Certified Blood Donor Service, Inc., Jamaica, N.Y.	157
Chek-Lab, Inc., Chicago, Ill.	257
Chicago Blood Donor Service, Inc., Chicago, Ill.	169
Cleveland Biologicals, Inc., Cleveland, Ohio.	301
Cleveland Donor Service, Inc., Cleveland, Ohio.	287
Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.	302
Community Blood Bank, Norton, Va.	263
Community Blood and Plasma Service, Inc., Birmingham, Ala.	224
Community Memorial General Hospital, La Grange, Ill.	277
Community Blood and Plasma Service, Inc., of Texas, Houston, Tex.	241
Community Blood Service, Inc., St. Louis, Mo.	268
Courtland Laboratories, Los Angeles, Calif.	171
Cutter Laboratories, Berkeley, Calif.	8
Dade Reagents, Inc., Miami, Fla.	179
Delta Blood Bank, Stockton, Calif.	288
Detroit Blood Service, Inc., Detroit, Mich.	252
District of Columbia General Hospital, Washington, D.C.	212
Doctors Hospital Blood Bank, Washington, D.C.	214
Dubuque Blood Bank Association, Dubuque, Iowa.	231
Edgewater Hospital Blood Bank, Chicago, Ill.	286
Eli Lilly and Company, Indianapolis, Ind.	56

#### United States License No.

Endo Laboratories, Inc., Richmond Hill, N.Y.	147
E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation Biological Laboratories, New Brunswick, N.J.	52
Essex County Blood Bank, Inc., Newark, N.J.	221
Fargo Clinic Blood Bank, Fargo, N. Dak.	219
Freedmen's Hospital, Washington, D.C.	217
Gotham Pharmaceutical Company, Brooklyn, N.Y.	152
Graham Laboratories, Inc., Dallas, Tex.	292
Greer Drug & Chemical Corporation, Lenoir, N.C.	308
High Titer Serum Laboratory, New York, N.Y.	163
Hoffmann Laboratories, Inc., Paterson, N.J.	283
Hollister-Stier Laboratories, Chicago, Ill.; Philadelphia, Pa.; Spokane, Wash.; Los Angeles, Calif.	91
Holston Valley Community Hospital Blood Bank, Kingsport, Tenn.	259
Holy Cross Hospital Research Foundation, Salt Lake City, Utah.	232
Hospital Blood Service, Inc., Detroit, Mich.	261
Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.	289
Houchin Community Blood Bank, Bakersfield, Calif.	239
Hyland Laboratories, Los Angeles, Calif.	140
Hynson, Westcott and Dunning, Baltimore, Md.	125
Illinois Department of Public Health, Bureau of Biologic Products, Division of Laboratories, Chicago, Ill.	120
Inter-County Blood Bank, Inc., Jamaica, N.Y.	175
Interstate Blood Bank, Inc., Memphis, Tenn.	173
Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.	305
Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.	182
J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.	167
Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.	170
Jacksonville Blood Bank, Inc., Jacksonville, Fla.	181
Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill.	251
John Elliott Blood Bank of Dade County, Inc., Miami, Fla.	154
King County Central Blood Bank, Seattle, Wash.	192
Knickerbocker Blood Bank, New York, N.Y.	164
Knoxville Blood Center, Inc., Knoxville, Tenn.	254
Lane County Blood Bank, Eugene, Oreg.	304

United States license No.	United States license No.	United States license No.			
Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y.-----	17	Pitman-Moore Company, Division Allied Laboratories, Inc., Zions- ville, Ind.-----	110	W. E. Stewart Blood Bank, Inc., Tyler, Tex.-----	265
Lewiston-Clarkston Blood Bank, Lewiston, Idaho-----	298	Porro Biological Laboratories, Ta- coma, Wash-----	107	Western Pennsylvania Blood Cen- ter, Inc., Pittsburgh, Pa.-----	276
Lincoln Foundation, Swarthmore, Pa.-----	299	Potter County Memorial Blood Center, Inc., Amarillo, Tex.-----	246	Wiener Serum Laboratory, Brook- lyn, N.Y.-----	155
Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio-----	174	Providence Hospital Blood Bank, Washington, D.C.-----	218	William S. Merrell Co., Cincinnati, Ohio-----	111
Marathon County Blood Bank, Inc., Wausau, Wis-----	285	Purex Laboratories, Inc., Staten Island, N.Y.-----	306	World Blood Bank, Inc., Kansas City, Kans-----	312
Marietta Memorial Hospital, Marietta, Ohio-----	270	Research Foundation and Univer- sity of Illinois, Chicago, Ill-----	188	Wyeth Laboratories, Inc., Mari- etta, Pa.-----	144
Massachusetts General Hospital Blood Bank, Boston, Mass-----	300	Robeson County Memorial Hospi- tal Blood Bank, Lumberton, N.C.-----	<b>B. FOREIGN ESTABLISHMENTS</b>		
Massachusetts Public Health Biologic Laboratories, Boston, Mass-----	64	Rogatel Pharmaceutical Co., Hato Rey, P.R.-----	313	Blood Plasma Corp. of Japan, Osaka, Japan-----	243
Maxwell Blood Bank, The Child- ren's Memorial Hospital, Chi- cago, Ill-----	209	Rhode Island Hospital Blood Bank, Providence, R.I.-----	177	Connaught Medical Research Laboratories, University of To- ronto, Toronto, Canada-----	73
Medical Center, State Health De- partment Blood Bank, Grand Forks, N. Dak-----	236	Sacramento Medical Foundation Blood Bank, Sacramento, Calif-----	284	Institut Pasteur, Paris, France---	11
Memphis Blood Center, Inc., Memphis, Tenn-----	240	San Diego Blood Bank, San Diego, Calif-----	194	Istituto Sieroterapico Toscano, Siena, Italy-----	238
Menolasino Laboratories, Melrose Park, Ill-----	279	Sci Lab, Derby, Colo-----	201	Laboratoire du Bacteriophage, Paris, France-----	108
Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point and Philadelphia, Pa-----	2	Service League Community Blood Bank, Inc., Pueblo, Colo-----	291	Laboratorios Myn, Mexico D.F., Mexico-----	176
Michael Reese Research Founda- tion, Chicago, Ill-----	113	Sherman Laboratories, Detroit, Mich-----	262	Nihon Seiyaku Co., Ltd., Tokyo, Japan-----	245
Michigan Department of Health, Division of Laboratories, Lan- sing, Mich-----	99	Shreveport Emergency Blood Bank, Inc., Shreveport, La-----	30	Osterreichisches Institut fur Hae- moderivate, Vienna, Austria---	258
Mid-West Blood Bank and Plasma Center, Kansas City, Mo-----	264	Sonoma County Community Blood Bank, Santa Rosa, Calif-----	237	Wellcome Research Laboratories, Beckenham, Kent, England-----	129
Midwest Blood Service, Inc., De- troit, Mich-----	296	Southern Michigan Blood Center, Inc., Detroit, Mich-----	197	[SEAL] RODERICK MURRAY, Director, Division of Biologics Standards, National Insti- tutes of Health, Public Health Service, U.S. Depart- ment of Health, Education, and Welfare.	
Milwaukee Blood Center, Inc., Milwaukee, Wis-----	187	Southwest Blood Banks, Inc., Phoenix, Ariz-----	272	Approved:	
Minneapolis War Memorial Blood Bank, Inc., Minneapolis, Minn---	185	Southwest Florida Blood Bank, Inc., Tampa, Fla-----	183	J. STEWART HUNTER, Assistant to the Surgeon Gen- eral for Information, Public Health Service, U.S. Depart- ment of Health, Education, and Welfare.	
Mount Sinai Medical Research Foundation, Chicago, Ill-----	168	Spokane & Inland Empire Blood Bank, Spokane, Wash-----	228	[F.R. Doc. 59-6499; Filed, Aug. 6, 1959; 8:45 a.m.]	
Mulford Colloid Laboratories, Philadelphia, Pa-----	102	St. Francis Hospital Blood Bank, Trenton, N.J-----	203	<b>DEPARTMENT OF THE INTERIOR</b>	
Myers Laboratories, Inc., Warren, Pa-----	135	St. Luke's Hospital Blood Bank, Aberdeen, S. Dak-----	260	<b>Bureau of Indian Affairs</b>	
National Drug Company, Swift- water, Pa-----	101	St. Luke's Memorial Hospital Blood Bank, Racine, Wis-----	250	[Aberdeen Area Office Redeleation Order 2, Amdt. 7]	
New York City Department of Health, Bureau of Laboratories, New York, N.Y-----	14	St. Mary Community Blood Bank, Hoboken, N.J-----	271	<b>SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES</b>	
Northern Illinois Blood Bank, Inc., Rockford, Ill-----	249	Suburban Hospital Blood Bank, Bethesda, Md-----	295	<b>Redeleation of Authority With Respect to Credit Functions</b>	
Nuclear Consultants Corporation, St. Louis, Mo-----	281	Syntex Chemical Co., Inc., New York, N.Y-----	309	APRIL 29, 1959.	
Ochsner Foundation Hospital Blood Bank, New Orleans, La---	233	Tacoma-Pierce County Blood Bank, Tacoma, Wash-----	311	Order No. 2 (19 F.R. 8756) as amended, is further amended by the following:	
Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla-----	273	Terrell's Laboratories, Fort Worth, Tex-----	202	FUNCTIONS RELATING TO CREDIT MATTERS	
Ortho Pharmaceutical Corpora- tion, Raritan, N.J-----	156	Texas State Department of Health, Austin, Tex-----	84	SECTION 2.120 <i>Loan agreements</i> . The approval of applications of individuals for loans pursuant to 25 CFR, Part 91 (subject to availability of funds), where the total indebtedness of the applicant to the lender does not exceed \$1,500, ex- cept for loans for educational purposes.	
Parke, Davis & Company, Detroit, Mich-----	1	Travenol Laboratories, Inc., Mor- ton Grove, Ill-----	121	Sec. 2.127 <i>Modifications of loan agreements</i> . The approval of modifica- tions of loan agreements of individuals	
Passaic Blood Bank, Inc., Passaic, N.J-----	293	Travis County Medical Society Blood Bank, Austin, Tex-----	184		
Peninsula Memorial Blood Bank, Burlingame, Calif-----	195	Tri Counties Blood Bank, Santa Barbara, Calif-----	244		
Pfizer Laboratories, Div. Chas. Pfizer & Co., Inc., Terre Haute, Ind-----	297	U. S. Pharmaceutical Inc., Bur- bank, Calif-----	198		
Philadelphia Serum Exchange, Philadelphia, Pa-----	139	University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio-----	275		
Pineview General Hospital Blood Bank, Valdosta, Ga-----	290	Upjohn Company, Kalamazoo, Mich-----	280		
		Virginia Blood Bank, Inc., Rich- mond, Va-----	158		
		Ward Laboratories, Durham, N.C.-			
		Washington Blood Laboratory, Washington, D.C-----			

pursuant to 25 CFR, Part 91, except loans for educational purposes, where the total indebtedness of the borrower to the lender does not exceed \$1,500.

BEN REIFEL,  
Area Director.

Approved: July 30, 1959.

GLENN L. EMMONS,  
Commissioner.

[F.R. Doc. 59-6502; Filed, Aug. 6, 1959;  
8:46 a.m.]

[Billings Area Office Redelelegation Order 1,  
Amdt. 6]

## SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

### Redelelegation of Authority With Respect to Certain Functions

Order No. 1 (20 F.R. 277) is amended as hereinafter indicated.

1. Section 2.120 is amended to read as follows:

SECTION 2.120 *Loan agreements and modifications.*

\* \* \* \* \*

(b) The approval of applications of individuals for loans (subject to availability of funds) where the total indebtedness of the applicant to the lender does not exceed \$1,500, except loans for educational purposes.

2. A new part and section are added to read as follows:

### PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

#### FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 3.120 *Loan agreements and modifications*—(a) *Blackfeet Tribe.* The Superintendent, Blackfeet Agency, may approve applications for and modifications of loans to individuals by the Blackfeet Tribe (subject to the availability of funds) where the total indebtedness to the tribe does not exceed \$3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(b) *Northern Arapahoe Tribe.* The Superintendent, Wind River Agency, may approve applications for and modifications of loans to individuals by the Northern Arapahoe Tribe (subject to the availability of funds) where the total indebtedness to the tribe does not exceed \$3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(c) *The Fort Peck Tribes.* The Superintendent, Fort Peck Agency, may approve applications for and modifications of loans to individuals by the Fort Peck Tribes (subject to availability of funds) where the total indebtedness to the tribes does not exceed \$5,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(d) *Fort Belknap Indian Community.* The Superintendent, Fort Belknap Consolidated Agency, may approve applica-

tions for and modifications of loans to individuals by the Fort Belknap Indian Community (subject to availability of funds) where the total indebtedness to the community does not exceed \$3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

GLENN L. EMMONS,  
Commissioner.

JULY 30, 1959.

[F.R. Doc. 59-6503; Filed, Aug. 6, 1959;  
8:46 a.m.]

[Minneapolis Area Office Redelelegation  
Order 1, Amdt. 3]

## AUTHORITY OF SUPERINTENDENTS Functions Relating to Credit Matters

1. Section 2.120 is amended to read as follows:

SEC. 2.120 *Loan agreements and modifications.* The approval of applications of individuals for loans (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed \$1,500, except loans for educational purposes.

R. D. HOLTZ,  
Area Director.

Approved: July 30, 1959.

GLENN L. EMMONS,  
Commissioner.

[F.R. Doc. 59-6504; Filed, Aug. 6, 1959;  
8:46 a.m.]

[Portland Area Office Redelelegation  
Order 1, Amdt. 9]

## SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

### Redelelegation of Authority With Respect to Certain Functions

Order 1 (20 F.R. 234) is amended as hereinafter indicated.

1. Section 2.120 is amended to read as follows:

SECTION 2.120 *Loan agreements and modifications.*

\* \* \* \* \*

(b) The approval of applications of individuals for loans (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed \$1,500, except loans for educational purposes.

2. Section 3.120 is amended to read as follows:

SEC. 3.120 *Loan agreements and modifications*—(a) *Klamath Tribe.* The Superintendent, Klamath Agency, may approve applications for loans and modifications of loans (subject to the availability of funds) by the United States to withdrawing members of the Klamath Tribe, pursuant to 25 CFR 91.20, where the total indebtedness to the United States does not exceed \$10,000, except loans for educational purposes.

(b) *Colville Tribes.* The Superintendent, Colville Agency, may approve applications for and modifications of loans to individuals by the Confederated Tribes of the Colville Reservation (subject to the availability of funds), where the total indebtedness to the tribes does not exceed \$5,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(c) *Warm Springs Tribes.* The Superintendent, Warm Springs Agency, may approve applications for loans to individuals by the Confederated Tribes of the Warm Springs Reservation (subject to the availability of funds), where the total indebtedness to the tribes does not exceed \$3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(d) *Yakima Tribe.* The Superintendent, Yakima Agency, may approve applications for and modifications of loans to individuals by the Yakima Tribe (subject to the availability of funds), where the total indebtedness to the tribe does not exceed \$5,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

GLENN L. EMMONS,  
Commissioner.

JULY 30, 1959.

[F.R. Doc. 59-6505; Filed, Aug. 6, 1959;  
8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Order E-14307; Agreement CAB No. 12325]

### PACIFIC AIR LINES, INC., AND BARRETT TERMINALS, INC.

#### Order To Show Cause

Order No. E-11104, adopted March 11, 1957, approved Agreement CAB No. 10500. Agreement CAB No. 10500 consists of an agreement (hereinafter called the joint airline agreement) between United Air Lines, Inc. (United), American Airlines, Inc. (American), Pan American World Airways, Inc. (PAA), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western), and individual lease agreements appended thereto between the aforementioned airlines (the initial airlines) and Barrett Terminals, Inc. (Barrett), relating to the operation of the downtown air-bus terminal in San Francisco.

On July 30, 1957, Pacific Air Lines, Inc. (Pacific), then known as Southwest Airways Company (Southwest), entered into a lease agreement with Barrett for space in the aforementioned terminal. Pacific filed this lease with the Board on August 5, 1958, under section 412, requesting approval thereunder to the extent that such section is applicable thereto. At the suggestion of the staff, Pacific, on January 6, 1959, filed with the Board under section 412 a memorandum of understanding between Pacific, on the one hand, and initial airlines, on the other, effectuating the lease between Barrett and Pacific. The lease between Barrett and Pacific, and

the memorandum of understanding, have been designated Agreement CAB No. 12325. The requirement of § 261.1 of the Board's Economic Regulations in respect of concurrences by other air carrier parties has not been met.

After considering all the circumstances surrounding the execution of the lease between Barrett and Pacific, the Board has tentatively found that the documents identified as Agreement CAB No. 12325 constitute an agreement within the purview of section 412 and that such agreement is not adverse to the public interest or in violation of the Act.<sup>1</sup> Consequently, the Board proposes to approve the agreement. In approving Agreement CAB No. 10500, the Board noted that there were pending proposed leases between Barrett and, inter alia, Southwest, which were "for the same duration, with the same rentals, and certain of the same obligations as are in the individual lease agreements." The approval of Agreement CAB No. 10500 was predicated, in part, upon a finding that Southwest, among other authorized air carriers, had been given an opportunity to secure ticket counter space in the proposed terminal building. There can be little doubt that had the lease agreement between Barrett and Southwest been filed with the Board simultaneously with Agreement CAB No. 10500, it would have been approved under section 412 subject to the same conditions as were attached to the approval of Agreement CAB No. 10500 by Order No. E-11104. The mere fact that the Barrett lease with Pacific (Agreement CAB No. 12325) was executed and filed with the Board at a later date does not present any basis for arriving at a different result. For these reasons the Board proposes to approve Agreement CAB No. 12325 under section 412 of the Act and to waive the provisions of § 261.1 of the Economic Regulations as to the filing of concurrences. However, before issuing a final order of approval herein, the Board will give all interested persons an opportunity to show cause why the agreement should not be approved under section 412 of the Act subject to the conditions specified in Order No. E-11104.

*Accordingly, it is ordered:*

1. That a copy of this order shall be served upon Pacific Air Lines, Inc., United Air Lines, Inc., American Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., and be published in the FEDERAL REGISTER.

2. That the aforementioned carriers and other interested persons show cause why the Board should not approve Agreement CAB No. 12325 under section 412 of the Act, subject to the conditions specified in Order No. E-11104, according to the procedure set forth herein;

3. That if there is any objection to the tentative findings herein, notice thereof must be filed within ten days of the date hereof, and, if notice is filed, written answer and supporting documents must

<sup>1</sup> In arriving at this tentative finding, the Board has considered the informal comments filed by the initial airlines.

be filed within twenty days of the date of this order;

4. That if no notice of objection is filed within ten days, or if notice is filed and answer is not filed within twenty days of the date of this order, all parties shall be deemed to have waived all further procedural steps before final decision, and the Board may enter an order making final the tentative findings herein and approving Agreement CAB No. 12325 under section 412 of the Act.

By the Civil Aeronautics Board.

[SEAL]

MABEL MCCART,  
Acting Secretary.

[F.R. Doc. 59-6529; Filed, Aug. 6, 1959;  
8:50 a.m.]

[Docket No. 9090]

### SHULMAN, INC.

#### Notice of Oral Argument on Enforcement Proceeding

In the matter of the enforcement proceeding instituted by complaint filed by the Office of Compliance against Shulman, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on September 9, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 4, 1959.

[SEAL]

FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-6530; Filed, Aug. 6, 1959;  
8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12566, 12774; FCC 59-786]

### SANFORD L. HIRSCHBERG ET AL.

#### Memorandum Opinion and Order Amending Issues

In re applications of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP-11261; W. Frank Short and H. Clay Esbenshade d/b as Fairview Broadcasters, Rensselaer, New York, Docket No. 12774, File No. BP-12209; for construction permits for new standard broadcast stations.

1. There are before the Commission (1) the matters of record in the above entitled proceeding; (2) a petition filed on May 22, 1959 by W. Frank Short and H. Clay Esbenshade d/b as Fairview Broadcasters (Fairview), to enlarge the issues to determine the financial qualifications of Sanford L. Hirschberg and Gerald R. McGuire to construct and operate the station proposed in File No. BP-12566; (3) an opposition to the petition, filed on June 4, 1959, by San-

ford L. Hirschberg and Gerald R. McGuire (Hirschberg-McGuire); (4) a reply to the opposition, filed on June 11, 1959, by Fairview.

2. Sanford L. Hirschberg and Gerald R. McGuire entered into a general partnership agreement on May 17, 1958, for the purpose of constructing and operating a standard broadcast station to serve Cohoes-Watervliet, New York. The total estimated cost of construction was \$20,881.23. They proposed to meet this cost and initial operating expenses with a deferred payment plan for equipment in the amount of \$9,285 and \$25,000 in capital. Each partner agreed to contribute \$12,500 as capital for the venture. On May 23, 1958, Hirschberg-McGuire modified their agreement to provide for Hirschberg to contribute 51 percent of the proposed \$25,000, and for McGuire to contribute 49 percent. In an Order released August 4, 1958 (FCC 58-768), the Commission found the applicant to be legally, technically, financially and otherwise qualified except as indicated by the issues specified therein. Fairview in an application filed July 22, 1958, proposed an operation which involved mutually destructive interference with that of Hirschberg-McGuire, and by Commission Order released February 24, 1959 (FCC 59-123), the two applications were designated for hearing in a consolidated proceeding. Hirschberg-McGuire, on March 25, 1959, petitioned for leave to amend their application to reflect an agreement entered into between Sanford L. Hirschberg, Gerald R. McGuire and Harry L. Goldman, whereby Goldman would acquire the 49 percent interest previously held by McGuire and an additional 1 percent interest. The Examiner in a Memorandum Opinion and Order released June 19, 1959 (FCC 59M-788) denied the petition.

3. In an affidavit filed with the Commission on May 19, 1959, in conjunction with other pleadings submitted in this proceeding, McGuire stated that " \* \* \* circumstances will not permit me to contribute either time or money to the direction and operation of a broadcasting station". A substantial question is thus raised as to whether McGuire is able to meet his financial commitment to the partnership. Even assuming, as is alleged, that Hirschberg is financially able to individually contribute all the funds necessary to complete the costs of construction and initial operation, the application does not reflect any such commitment on Hirschberg's part. Therefore, an issue as to the financial qualifications of Hirschberg-McGuire will be added. See Loyola University, 12 RR 1017 (1957); Deep South Broadcasting Company (WSLA), released June 11, 1959 (FCC 59-538).

*Accordingly, it is ordered.* This 29th day of July 1959 that the petition of W. Frank Short and H. Clay Esbenshade, d/b as Fairview Broadcasters, filed May 22, 1959, is granted; and that the issues in this proceeding are amended to renumber Issue 8 as Issue 9 and to include as Issue 8 the following:

8. To determine whether Sanford L. Hirschberg and Gerald R. McGuire are

financially qualified to construct and operate their proposed station.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6515; Filed, Aug. 6, 1959;  
8:48 a.m.]

[Docket No. 11908; FCC 59-785]

## NORTHSIDE BROADCASTING CO.

### Memorandum Opinion and Order Amending Issues

In re application of Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana, Docket No. 11908, File No. BP-10824; for construction permit.

1. At the oral argument, held June 8, 1959, before the Commission en banc on the exceptions taken to the Initial Decision in the above-captioned proceeding, two matters came to the Commission's attention which indicate that further hearing herein is appropriate and desirable. Accordingly, the proceeding will be remanded to the Hearing Examiner for further hearing in the respects noted in the discussion which follows.

2. As to the first matter, the Commission is of the opinion that the record evidence with respect to certain field intensity measurements must be supplemented and clarified. As the record now stands, field intensity measurements submitted by a now dismissed competing applicant are used to show the service area of Station WTCO, Campbellsville, Kentucky, a respondent herein, and the interference the proposed Northside station would cause to said station. However, there is a difference of opinion between the Hearing Examiner and the Broadcast Bureau as to the acceptability of this showing. The Examiner rejected the measurements as lacking in probative value because he could not understand the Bureau's reasoning that, while the measurements were adequate to show WTCO's 0.5 mv/m contour, the measurements between 0.3 and 2.0 miles were not sufficient to establish the inverse distance field (the latter being necessary to a determination of a conductivity at the extremity of the measured path from which projection of the signal beyond the measurements could be made for the determination of the interference to the proposed station). Since the measurements show that the 0.5 mv/m contour of Station WTCO is located a greater distance than shown by a theoretical method but that the measurements are improperly made, it is the Commission's view that the applicant should be required to make measurements and show the correct service area of Station WTCO. Thus, the applicant, at the further hearing to be ordered hereinafter, shall submit field intensity measurements which are to be made on Station WTCO in accordance with the Commission's Standards.

3. The second matter has reference to a question which was raised at the oral argument for the first time in this proceeding (R. 1128-29). On the basis of Star of the Plains Broadcasting Co. v. Federal Communications Commission (Case No. 14516) — U.S. App. D.C. —, — F. 2d —, 18 RR 2072, decided by the United States Courts of Appeals for the District of Columbia Circuit on March 9, 1959, counsel for respondent Station WTCO urged that the proceeding herein must be remanded to the Hearing Examiner for further hearing with respect to the programming offered by WTCO in the area which will lose service from WTCO as a result of interference caused by the proposed operation of Northside. As the findings of the Initial Decision presently show, the Northside proposed operation would cause objectionable co-channel interference to Station WTCO affecting 3.65 percent to 4.15 percent of the population within that station's normally protected contour. While Station WMOH, another respondent in the proceeding, would suffer a small amount of interference from the proposed Northside operation, counsel for WMOH stated at the oral argument that the interference received was very minor. Counsel did not, therefore, make a request similar to that made by counsel for WTCO.

4. In view of the foregoing, evidence will, therefore, be admitted at the further hearing ordered herein as to the need for the WTCO service in the interference area, as well as to the manner in which other existing stations satisfy the needs of the interference area, and appropriate conclusions will be made. Compare, Star of the Plains, supra.

5. Accordingly, it is ordered, That the record of this proceeding be reopened, that the proceeding be remanded to the Hearing Examiner who originally presided at the hearing herein for the purpose of taking further evidence with respect to field intensity measurements as noted in paragraph 2 hereof, and to take evidence upon a new Issue No. 5 set out below, and, thereafter, that a Supplemental Initial Decision be issued by the Hearing Examiner.

6. It is further ordered, That the present Issue No. 5 is renumbered as Issue No. 6, and that a new Issue No. 5 be added to read as follows:

To determine the type and character of program service rendered by Station WTCO and whether it meets the requirements of the population and area proposed to lose service, and the manner in which the programming of other existing stations may satisfy the needs of the interference area.

Adopted: July 29, 1959.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6516; Filed, Aug. 6, 1959;  
8:48 a.m.]

[Docket Nos. 12049, 12050; FCC 59-784]

## JEFFERSON RADIO CO. AND BESSEMER BROADCASTING CO., INC. (WENN)

### Memorandum Opinion and Order Amending Issues

In re applications of W. D. Frink, tr/as Jefferson Radio Company, Irondale, Alabama, Docket No. 12049, File No. BP-10672; The Bessemer Broadcasting Company, Incorporated (WENN), Bessemer, Alabama, Docket No. 12050, File No. BP-10886; for construction permits.

1. Oral argument in the above-captioned proceeding was held before the Commission en banc on June 22, 1959. The argument was divided into two parts: (a) on the exceptions taken by the parties to the Initial Decision of Hearing Examiner Thomas H. Donahue proposing a grant of the Jefferson Radio Company application; and (b) on the question of a motion for leave to amend application and to reopen record filed on August 14, 1958 by The Bessemer Broadcasting Company, Incorporated.

2. Consideration of the entire record in this proceeding, the exceptions, and the matters advanced at oral argument dictates further hearing in this proceeding as will be outlined hereinafter. This course must be followed for otherwise we would not have available a suitable record upon which to make an ultimate determination.

3. Coming to the crux of the matter, it is our opinion that the Examiner ruled erroneously in his order following a pre-hearing conference that the showings to be made under the section 307(b) issue (Issue 6) would be limited to "technical showings on populations and area now served by existing stations or that would be served by proposed operations." Bessemer preserved an exception to this ruling. In the circumstances of this proceeding, it would be of particular benefit to resolution of the issues presented to have in the record evidence as to the character and needs of the communities to be served by the respective applicants as evidenced by, inter alia, the industrial or agricultural character of the communities involved, the educational, cultural and other institutions and organizations in such communities, and the program services of existing stations rendering primary service to such communities. The proceeding will, therefore, be remanded to the Examiner for the purpose of further hearing consonant with the views here expressed.

4. Should it be decided that 307(b), for one reason or another, is not determinative in the case, it would be necessary to evaluate the applicant in terms of the standard comparative issue. Therefore, it is appropriate to add the standard comparative issue. It is expected, of course, that the Examiner will take evidence on this issue and make findings thereon even though he may ultimately conclude in his Supplemental Initial Decision that section 307(b) is determinative.

5. Bessemer's motion for leave to amend and to reopen the record for the



purpose of receiving the amendment is to be considered against this background. On July 2, 1958, subsequent to the close of the record in the proceeding herein and prior to the release of the Initial Decision, the Commission granted the application of Bessemer for consent to transfer all of its stock to John M. McLendon and Associates. One week before the issuance of the Initial Decision Bessemer filed the above-described motion. Its purpose is to reflect changes in the ownership of Bessemer's stock and to show that "funds for the improvement of the facilities to permit operation with power of 5 kw and change of frequency to 1480 kc, as requested in the pending application, would be forthcoming from the present stockholder of the applicant corporation in the event that its application is granted." Bessemer points out that in the transfer application as well as in the amendment submitted with the instant petition it is indicated that no changes are proposed with respect to the program proposal for operation on the requested facilities. An exhibit in the transfer application is incorporated by reference in the amendment submitted with the present petition which Bessemer asserts indicates Bessemer, under the control of the new stockholder, would continue to support the pending application; that the new stockholder assured the Commission that he would continue to rely upon the representations for 5 kw operation in the event that the application is granted; and that the new stockholder would take whatever action was necessary to implement and carry into effect the program proposals for 5 kw operation if the application is granted. For these reasons, Bessemer submits that the amendment in question is for administrative purposes only; that it does not affect or change any of the hearing issues or any of the matters pending before the Commission; that the competing applicant cannot possibly be prejudiced by the amendment; and that the amendment will not delay or affect the outcome of the proceeding.

6. Jefferson opposes acceptance of the Bessemer amendment and requests (1) that Bessemer's motion to accept the amendment showing a 100 percent change in ownership and a redetermination of financial and other qualifications of the Bessemer applicant in light of the changed ownership be denied; and (2) that the Commission, upon the basis of its own records and the contents of the motion herein, recognize the Bessemer application as that of a new applicant not entitled to consideration in this proceeding, and pursuant to § 1.106(b)(3)<sup>1</sup> of the Commission's rules that the Bessemer application be dismissed because of the basic and complete change in the composition of the applicant. Jefferson asserts that the rights of Bessemer in this proceeding do not include a right on the part of the original applicant to

substitute a totally new party at "his own discretion when his place in the hearing can be sold profitably." It is submitted that § 1.354(h)<sup>2</sup> of the Commission's rules removes any doubt that the Bessemer applicant is not a new applicant. In connection with the foregoing, it is Jefferson's position that acceptance of the Bessemer amendment would require further consideration by the Commission of the applicant's qualifications to make findings with respect to the financial qualifications of the new owners, and that further review of the qualifications of the new owners would be required to determine whether other questions might also arise. Jefferson submits that although the Commission in the transfer proceeding has approved the newcomers as stockholders of Bessemer for the present Bessemer operation, it has not made a determination of the financial or other qualifications of the new Bessemer principals in terms of the pending application to modify its facilities substantially and to extend its area of coverage. In support of its position, Jefferson cites Huntington Broadcasting Co., 13 FCC 1032 (1949) and Don Lee Broadcasting System, 7 RR 1093 (1952).

7. Bessemer in reply to Jefferson's opposition states that support for acceptance of its amendment may be found in the following cases: Independent Broadcasting Company, 6 RR 1390; Enterprise Broadcasting Company, 15 RR 401; and Albuquerque Broadcasting Company, 16 RR 755. Bessemer submits that acceptance of the amendment would require no new findings to be made by the Commission regarding the qualifications of the Bessemer applicant, for the following reasons: it was found legally qualified in the designation order herein, and the new stockholder was required to satisfy the Commission as to its legal qualifications in the transfer proceeding; no change has been made in the technical proposal, and in the transfer proceeding the new stockholder indicated that it would continue to support the application; Bessemer was found financially qualified in the designation order, and in the transfer proceeding it was shown that funds existed for the continued operation of the station together with the continued availability of funds for improvement of facilities of the Bessemer station as proposed in the pending application. Bessemer also submits that Jefferson has made no showing that any new issues will be necessary in connection with the amendment or that any further hearings will be required.

8. We are unable to conclude that a denial of the Bessemer motion for leave to amend and a dismissal of its application is required. § 1.354(h) of the Commission's rules lends no support to the Jefferson position. This rule is one of generally limited applicability to pre-

hearing matters. Independent Broadcasting Co., 6 RR 1390. This holding obviates any need of discussion of § 1.106(b)(4) of the rules, since the said rule, requiring dismissal, would become applicable to the instant proceeding only if Bessemer were first found to be a new applicant within the meaning of § 1.354(h) of the rules. Turning to the cases cited by Jefferson, Huntington, supra, is to be distinguished from the instant factual situation in that there a major amendment was involved which would have affected the showing already made under the hearing issues. In our opinion, Don Lee, supra, is inapposite to the instant proceeding. Underlying Don Lee was the adoption of the Commission's Sixth Report and Order (having reference to television assignments and rules), the terms of which obviously contemplated radical amendments to applications. Consequently, the 100 percent change in stock ownership there proposed must be considered as a major amendment in view of the widespread changes resulting from adoption of said Report and Order. A 100 percent change in stock ownership in Enterprise on the other hand, was not considered a major amendment where section 307(b) considerations were involved and where the new owner would adopt technical proposals already advanced. See also Independent Broadcasting Company, 6 RR 1390, and Albuquerque Broadcasting Company, 16 RR 755, wherein it was held that a change of parties after hearing where only engineering issues are involved does not constitute a major amendment.

9. Independent, Enterprise and Albuquerque point to the course which the Commission may follow in this proceeding. Important to permitting the Bessemer application to be amended in the manner here requested is the question of what prejudice might result to Jefferson. We can find none. Hearing has already been held on those issues specified in the designation order. No further hearing is required with respect to those issues because of the 100 percent change in stock ownership. Thus, Jefferson would not be put to any additional burden to make fresh preparation as to matters which had previously been considered in the hearing process. Nor would allowance of the amendment create any competitive advantage for Bessemer.

10. It is unnecessary to consider at length Jefferson's contention that acceptance of the Bessemer amendment would require further consideration by the Commission of Bessemer's qualifications to make findings with respect to the financial qualifications of the new owners, and that further review of the qualifications of the new owners would be required to determine whether other questions might also arise. At the time the Bessemer application was designated for hearing, the Commission found it to be legally, technically, financially and otherwise qualified. While these findings do not pass to the new owner of Bessemer as a matter of course in connection with the transfer proceeding, the Commission did at the time it granted its consent to the transfer of

<sup>1</sup> Presumably, Jefferson intended to cite 1.106(b)(4) of the Rules which read as follows: "Any mutually exclusive application filed after the date prescribed in subparagraphs (1), (2), or (3) of this paragraph will be dismissed without prejudice \* \* \*"

<sup>2</sup> The pertinent portion of the rule states: "A new file number will also be assigned to an application for a new station when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application."

control pass upon these questions.

Necessarily, the new owner's legal qualifications were established at the time the Commission granted the transfer application. Since Bessemer was found technically qualified in the designation order, and since the transfer application, before the Commission disclosed that Bessemer under the control of the new owner would support the pending application including the representations in connection with the proposed 5 kw operation the Commission found the new owner to be also technically qualified. No issue relevant to financial qualifications is necessary as we find Bessemer financially qualified on the basis of information submitted with its motion for leave to amend and exhibits incorporated by reference from the transfer proceedings, as set out below.

11. The Bessemer Broadcasting Company, Incorporated (WENN) by its application as amended showed its Estimated Cost of Construction to be \$12,958.00. By an agreement dated October 22, 1956 Gates Radio Company agreed to furnish applicant sufficient equipment for \$13,077 less trade-in equipment valued at \$1,100, and a deposit of \$700, received October 19, 1956. The balance of \$11,277 is to be paid in 36 equal monthly payments including a 3 percent per annum finance charge. In addition, the four stockholders agreed to furnish an aggregate of \$12,630 to the applicant corporation to be used to finance the purposes of its application. Each of the stockholders submitted a balance sheet or financial statement indicating his ability to fulfill his respective financial commitment to the applicant. On the basis of the above, the Commission in its Order of designation released June 10, 1957, found Bessemer Broadcasting Company, Incorporated financially qualified.

12. The Application for Transfer of Control, BTC-2810, granted by the Commission on July 2, 1958, contained an agreement by John M. McLendon to furnish The Bessemer Broadcasting Company, Incorporated the sum of \$12,958 for the construction of the new facilities. Mr. McLendon's financial statement as of June 2, 1958 shows total assets of \$565,850, including current assets in the amount of \$63,350, and total liabilities of \$86,140, including current liabilities of \$36,000, leaving a net worth of \$479,710. The amendment filed August 14, 1958 states that there is no change in the Gates Radio Company agreement relative to the deferred payment plan for the purchase of equipment, or in Mr. McLendon's agreement to furnish the applicant \$12,958, which will come from his cash and quick assets on hand.

13. We consider, finally, Jefferson's assertion that the circumstances herein do not warrant a finding of good cause under § 1.311(b) of the Commission's rules "for the substitution of a totally new applicant in this proceeding at this late date." As has been demonstrated hereinabove the question is not as broad as Jefferson states it. In the circumstances

of this proceeding, we are of the opinion that good cause has been shown by Bessemer for leave to amend its application. Considering the principal purposes of § 1.311(b)—to prevent undue disruption of the orderly processes of the Commission's administrative functions—it is clear that the Bessemer motion for leave to amend is not inconsistent therewith. From what has been stated in preceding paragraphs, it is clear that the proposed amendment would not necessitate the addition of new parties or of new issues; that it would not unduly delay the hearing herein; and that it would not result in the taking of new testimony to supplant testimony already taken. And, of equal importance, it is obvious from what has been discussed herein that no unfair prejudice would be caused to Jefferson in view of the fact that Bessemer's competitive position would not be enhanced, no additional burden would be placed on Jefferson since the further hearing ordered herein will not require the introduction of evidence which would be repetitive of that introduced in the earlier hearing, and no undue delay would be caused in the hearing herein.

14. In view of the foregoing: *it is ordered*, That the record of this proceeding be reopened, that the motion of Bessemer Broadcasting Company, Incorporated for leave to amend is granted and the amendment is accepted, that the proceeding is remanded to the Hearing Examiner who originally presided at the hearing herein for the purpose of taking further evidence in respect to Issue No. 6 in the respects noted hereinabove, and upon a new Issue No. 7, and thereafter that a Supplemental Initial Decision be issued by the Hearing Examiner: *And it is further ordered*, That the presently numbered Issue No. 7 become Issue No. 8 and that a new Issue No. 7 be added to read as follows:

7. To determine, on a comparative basis, in the event it is found that section 307(b) is found not to be determinative which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations:

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

Adopted: July 29, 1959.

Released: August 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6532; Filed, Aug. 6, 1959;  
8:51 a.m.]

[Docket No. 12309; FCC 59-863]

## VIDEO INDEPENDENT THEATRES, INC. (KVIT)

### Memorandum Opinion and Order Amending Issues

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BNPCT-4586; for modification of construction permit.

1. The Commission has before it for consideration (1) a renewed request to enlarge issues, filed October 23, 1958, by Alvarado Television Company, Inc.; (2) an opposition to this request, filed November 5, 1958, by Video Independent Theatres, Inc.; (3) the Broadcast Bureau's reply to the renewed request, filed November 5, 1958; (4) reply of Alvarado Television Company, Inc., filed November 13, 1958, to items (2) and (3); (5) the Broadcast Bureau's reply, filed November 13, 1958, to item (2); (6) response of New Mexico Broadcasting Company, Inc., filed November 14, 1958, to item (2); and (7) an opposition, filed November 17, 1958, by KSTP, Inc. to item (2).

2. In a Memorandum Opinion and Order adopted February 12, 1958 (FCC 58-121), the Commission granted in part the protest of Alvarado Television Company, Inc. (licensee of Television Station KOAT-TV, Channel 7, Albuquerque, New Mexico), directed against the Commission's action of December 18, 1957, granting without hearing the above-captioned application of Video Independent Theatres, Inc. for modification of the construction permit of television station KVIT, Channel 2, Santa Fe, New Mexico, to move studio and transmitter from approximately three miles northwest of the center of Santa Fe to a studio location in Santa Fe and a transmitter site at Sandia Crest approximately 43 miles southwest of Santa Fe and 14 miles northeast of Albuquerque. In accordance with this Order, an oral argument, in which the protestant, the applicant and the Broadcast Bureau participated, was heard by the Commission on April 7, 1958, to determine whether the matters raised by the protestant's requested issue, assuming the facts in support of said issue to be true, are grounds for setting aside the grant in question.

To determine whether the Albuquerque market is capable of supporting a fourth television service as proposed.

3. In its Memorandum Opinion and Order adopted May 7, 1958, the Commission, in denying that portion of the protest which was founded upon the requested issue set forth in paragraph 2 hereof, stated that the question presented is not whether an additional TV channel will be assigned to Albuquerque, but rather whether Albuquerque has the advertising potential to divide the advertising revenue between the stations assigned to Albuquerque and a station assigned to and serving principally another city, but which also serves Albuquerque with a city grade signal.

Citing a number of decisions<sup>1</sup> to the effect that as a matter of policy the possible effects of competition will be disregarded in passing upon applications for new broadcast stations except perhaps in cases involving the operation of section 307(b) of the Act, the Commission concluded that it may not inquire into the question of the economic injury which may be suffered by stations operating in different cities but serving common areas.

4. In its petition filed October 23, 1958, Alvarado renews its request for an enlargement of the issues with respect to whether the Albuquerque market is capable of supporting a fourth television station as proposed in the Video application. It notes that subsequent to the Commission's denial on May 7, 1958, of its original request, the Court of Appeals for the District of Columbia Circuit rendered its decision in *Carroll Broadcasting Company v. FCC*, 258 F.2d 440 (1958), 17 RR 2066, and this decision, it asserts, serves to set aside the policy underlying the Commission's denial of its original request to enlarge the issues to include the economic injury issue.

5. Video, in an opposition filed November 5, 1958, urges denial of Alvarado's petition for failure of timely filing. In defense of its failure, Alvarado states that at the time of oral argument it had not only noted the pendency of the *Carroll* case, but that it also requested the inclusion of the economic injury issue in the hearing in the event the decision in the *Carroll* case required a hearing on such issue; not until the time for filing a writ of certiorari had expired could it be unequivocally stated that the *Carroll* decision represents the applicable law, and for that reason it did not file its petition at an earlier date. In the Commission's view, these considerations advanced by Alvarado constitute good cause, within the meaning of § 1.141 of the rules, for the late filing of its petition.

6. An additional basis for Video's opposition to the Alvarado petition is that it proceeds from the premise that the Video station will be an Albuquerque station and hence should be denied, since the Commission, in its Order of May 7, 1958, had stated that the Video application will be denied should it be determined at the evidentiary hearing that its station would be an Albuquerque station. Alvarado denies that its petition presupposes that Video's station would be an Albuquerque station. Should it be determined that it would be a Santa Fe station, Alvarado argues that there would still remain the question of whether its establishment would have economic consequences adversely affecting the public interest; that stations which are technically located in different communities may serve the same economic market and be in direct competition with each other, and if the public interest is affected by a new station, it

is immaterial whether the stations are located in different communities under the Commission's allocation rules. The Commission's Broadcast Bureau is in essential agreement with the views thus advanced by Alvarado. The Commission notes that the two stations involved in the *Carroll* case, *supra*, were located in different communities, but that a hearing on the economic injury issue was nevertheless ordered. It is the Commission's view that a finding in the evidentiary hearing that Video's station would be a Santa Fe station would not render moot the economic injury issue requested by Alvarado.

7. Petitioner Alvarado alleges that the economic effects of the addition of a fourth television service in the Albuquerque market would be a deterioration in programming adversely affecting the public interest. In the *Carroll* decision, *supra*, the court in effect held that where an existing licensee offers to prove that the economic effect of another station would be detrimental to the public interest, it should be afforded an opportunity for presentation of such proof. In view of the decision in *Carroll* and the allegations made by Alvarado as to the effects of a fourth television service in the Albuquerque market, an economic injury issue, in the form set forth below, will be adopted.

8. In the course of the pleadings identified in paragraph 1 herein, contentions were advanced, and opposed, that (a) if an economic injury issue is added, Alvarado should be required, on the basis of our action in *Herbert P. Michels* 17 RR 557, to file an early application for renewal of its license so that it may be consolidated with the Video modification application for a comparative hearing to determine, should it become necessary, whether Alvarado or Video would better serve the public interest; and (b) that not only Alvarado, but also the licensees of the other two existing television stations in Albuquerque, be required to file early renewal applications, so that the three renewal applications may be consolidated with the Video modification application to determine, should it appear that the Albuquerque market can support only three television services, which three of the four would best serve the public interest. Subsequent to the filing of the instant pleadings, routine license renewal applications have been tendered for filing by Alvarado and by the licensees of the other two stations in Albuquerque; hence, the requests that one or more of them be directed to file early renewal applications are now moot. The requests that one or more of these license renewal applications be consolidated for a comparative hearing with the Video modification application will be given further consideration at the time action is taken on the renewal applications.

Accordingly, it is ordered, This 3d day of August 1959, that the renewed request to enlarge issues, filed October 23, 1958, by Alvarado Television Company, Inc., is granted to the extent indicated herein and is in all other respects denied; and that the issues in this proceeding are amended to renumber Issue No. 8 as

Issue No. 9, and to include as Issue No. 8 the following:

8. To determine what economic effect the grant of the instant application would have upon the operation by Alvarado Television Company, Inc., of Television Station KOAT-TV, Albuquerque, New Mexico, and whether, in the light thereof, the grant of the instant application would be in the public interest.

Released: August 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6533; Filed, Aug. 6, 1959;  
8:51 a.m.]

[Docket Nos. 11081, 11083; FCC 59-781]

### WORZ, INC., AND MID-FLORIDA TELEVISION CORP.

#### Order Reopening Record for Further Hearing on Stated Issues

In re applications of WORZ, Inc., Orlando, Florida, Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corporation, Orlando, Florida, Docket No. 11083, File No. BPCT-1801; For construction permits for new television stations (Channel 9).

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the Decision and Order of the United States Court of Appeals for the District of Columbia Circuit in the above-entitled proceeding dated May 21, 1959 (Case No. 13996);

It appearing, that by said order the Commission's decision awarding a grant to Mid-Florida Television Corporation was vacated and the proceeding remanded to the Commission with instructions to hold, with the aid of a specially appointed hearing examiner, an evidentiary hearing to determine the nature and source of all *ex parte* pleas and other approaches that were made to Commissioners while the former proceeding was pending, and any other factors that might be thought to require either disqualification of some Commissioners from participating in the reopened proceeding or disqualification of some parties from receiving any award that may ultimately result;

It is ordered, That the record in this proceeding is reopened and further hearing shall be held at a date, time and place subsequently to be announced and before a presiding officer to be designated by the Commission on the following issues:

1. To determine whether any of the members of the Commission who participated in the proceedings before the Commission which resulted in the award of a construction permit for a television station on Channel 9 in Orlando, Florida, should be disqualified from participating in the reopened proceedings.

<sup>1</sup> In re Application of Southeastern Enterprises, 22 FCC 605; In re Application of West Georgia Broadcasting Co., 23 FCC 255; In re Application of Kaiser Hawaiian Village Radio, Inc., 22 FCC 941; Voice of Cullman, 6 RR 164.

2. To determine whether any person or persons influenced or attempted to influence any member of the Commission with respect to the proceedings resulting in the award of the construction permit for Channel 9, Orlando, in any manner whatsoever except by the recognized and public processes of adjudication.

3. To determine whether any party to the proceedings before the Commission which resulted in the award of the construction permit for Channel 9 in Orlando directly or indirectly secured, aided, confirmed, ratified, or knew of any misconduct or improprieties in connection with the proceedings.

4. To determine, in the light of the facts adduced upon the foregoing issues, whether any of the applicants in this proceeding should be disqualified from receiving a grant of its application; and whether the conduct of any applicant, if not of a disqualifying character, has been such as to reflect adversely upon such applicant from a comparative standpoint; and

*It is further ordered, That all parties to this proceeding or to the proceeding before the Court shall be permitted to participate as parties if they so request, such requests to be submitted on or before August 10, 1959, and that any person or persons concerning whom evidence may be received in the said hearing shall be permitted to cross-examine and to submit rebuttal testimony if he, or they request the opportunity to do so.*

Released: August 3, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6534; Filed Aug. 6, 1959;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-19087]

### NEW YORK STATE NATURAL GAS CORP.

#### Order Providing for Hearing and Sus- pending Proposed Revised Tariff Sheets

JULY 31, 1959.

On July 2, 1959, New York State Natural Gas Corporation (New York Natural) tendered for filing Second Revised Sheet No. 17A; Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14 and 16; and Fourth Revised Sheet No. 18 to its FPC Gas Tariff, Third Revised Volume No. 1, proposed to become effective August 2, 1959.<sup>1</sup>

In support of the proposed rate increase New York Natural states that the increase is filed solely to compensate it for the increased cost of gas to be purchased for its general system customers from Texas Eastern Transmission Corpora-

tion.<sup>2</sup> The company has presented actual costs for the year ended March 31, 1959, including adjustments reflecting the increased cost of gas purchases, normalization of sales to average conditions, higher wages and taxes, and decreases in non-productive well-drilling expense and certain maintenance costs.

Questionable items in the present rate increase filing include inter alia (1) purchased gas cost (2) working capital (3) return (4) income taxes (5) non-productive well-drilling expense and (6) the cost allocation method used by the company.

The customer companies of New York Natural were invited to submit comments on the proposed increased rates. Comments have been received from several customers requesting suspension or assuming the filing will be suspended. New York State Electric & Gas Corporation (New York State) reiterates the position it has previously taken with respect to the filing of New York Natural which is subject to proceedings in Docket No. G-17296. New York State contends that the increase is a nullity insofar as it applies to purchases under a pre-existing contract between these parties. We do not by this order pass upon the question raised by New York State, but will reserve it for future consideration.

The increased rates and charges provided for in Second Revised Sheet No. 17A; Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14 and 16, and Fourth Revised Sheet No. 18 to New York Natural's FPC Gas Tariff Third Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in New York Natural's FPC Gas Tariff, Third Revised Volume No. 1 as proposed to be amended by Second Revised Sheet No. 17A, Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14, and 16 and Fourth Revised Sheet No. 18, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing to be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in New York Natural's FPC Gas Tariff Third Revised Volume No. 1 as proposed to be amended by Second Revised Sheet No. 17A, Third Revised Sheets Nos. 4, 5, 6, 8, 10, 14 and 16 and Fourth Revised Sheet No. 18.

<sup>2</sup> The company requests that in the event the proposed rates are suspended the suspension period be limited to November 30, 1959, the date of expiration of the suspension in Texas Eastern's rate increase application in Docket No. G-18841.

(B) Pending such hearing and decision thereon, New York Natural's proposed Second Revised Sheet No. 17A; Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14 and 16; and Fourth Revised Sheet No. 18 to its FPC Gas Tariff, Third Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until November 30, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-6497; Filed, Aug. 6, 1959;  
8:45 a.m.]

[Docket No. G-18214]

### MISSISSIPPI RIVER FUEL CORP.

#### Notice of Application and Date of Hearing

JULY 31, 1959.

Take notice that on April 1, 1959, Mississippi River Fuel Corporation (Applicant) filed in Docket No. G-18214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a field sale of natural gas from the Cherryvale Pool Field, Grant County, Oklahoma, to Cities Service Gas Company (Cities Service) pursuant to a gas sales contract dated October 18, 1957, by and between Cities Service, as buyer, and National Services, Inc. (predecessor in interest to Applicant), et al.,<sup>1</sup> as seller, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's working interest in the four wells currently being produced on the subject acreage is stated to be as follows: 12.5 percent in Seneca No. 1 Early; 5.3173 percent in Worley & Harrell No. 1 Gurley; 12.5 percent in Seneca No. 1 Gurley-Aetna; and 8.3333 percent in Seneca Early B-1.

Applicant's facilities consist of customary lease equipment and proposed deliveries are to be made at the wellhead.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on

<sup>1</sup> The other signatories to the contract are: Seneca Oil Company, Operator; Aberdeen Petroleum Corporation; Worley & Harrell, Inc.; Ted Weiner; and Jones, Shelburne & Pellow Oil Company. Seneca Oil Company, as operator, for itself and all working interest owners in the involved acreage, exclusive of Applicant's interest, has filed certificate applications in Docket Nos. G-14138, G-15817, and G-16762.

<sup>1</sup> The proposed increase which amounts to \$1,080,761 is in addition to the \$5,726,509 increase in rates now in effect subject to refund in Docket No. G-17296.

September 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-6496; Filed, Aug. 6, 1959; 8:45 a.m.]

[Docket No. IT-5743]

## SAN DIEGO GAS & ELECTRIC CO.

### Notice of Application

AUGUST 3, 1959.

Take notice that on July 24, 1959, San Diego Gas & Electric Company (Applicant) incorporated under the laws of the State of California, with its principal place of business at San Diego, California, filed an application for an order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of electric energy which Applicant may transmit from the United States to Mexico.

By order issued April 2, 1956, in the above docket, Applicant was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 100,000,000 kilowatt-hours per year at a rate not in excess of 25,000 kilowatts over 69 kilovolt facilities covered by a Presidential Permit signed by the President of the United States on January 31, 1952, and accepted by Applicant on February 25, 1952, Docket No. E-6374. Applicant now seeks to transmit electric energy in an amount not to exceed 160,000,000 kilowatt-hours per year at a rate not in excess of 40,000 kilowatts over the above-mentioned facilities from Applicant's Otay Substation in California to the international border adjacent to Tijuana, Mexico, where the energy will be delivered and sold, as at present, to Cia. Electrica Fronteriza, S.A., a Mexican corporation, for distribution and resale in the Towns of Tijuana and Ensenada, Mexico, and vicinity.

The application represents that the proposed increase in the amount and rate of electric energy to be exported will not interfere with Applicant's ability to serve its territory in the United States.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 20, 1959, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-6498; Filed, Aug. 6, 1959; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

#### AGENCIA COMERCIAL "PROGRESO" (ACP) AND STANLEY HO

#### Order Revoking Export Licenses and Denying Export Privileges

In the matter of Agencia Comercial "Progreso" (ACP) and Stanley HO, 443/445 Alexandra House, P.O. Box 2173, Hong Kong, Respondents; Case No. 262.

Agencia Comercial "Progreso" (ACP) and Stanley HO, of Hong Kong, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they caused to be shipped to Communist China three lots of Gilsonite, originally exported from the United States. They answered the charging letter, admitting the transshipments but claiming several defenses in avoidance.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports the charges and that the respondents should be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answer and attachments in opposition thereto, and the report and recommendation of the Compliance Commissioner, I hereby make the following

*Findings of fact.* 1. At all times hereinafter mentioned, the respondents were engaged in the export and import business in Hong Kong, and well knew that the laws and regulations of the United States Government prohibited the shipment or transshipment to Communist China of any goods which had been or were being exported from the United States.

2. Respondents well knew that the Gilsonite, to which reference will be made hereafter, had been exported from the United States, and it was their intention and purpose, in performing all the acts hereinafter mentioned, to cause the diversion and transshipment of the said Gilsonite to Communist China.

3. As a result of negotiations theretofore conducted, the respondents, on or about the 5th day of April 1956, entered into a contract with Peter Meyns & Co.

of Hamburg, Germany, for the purchase by them, either on their own behalf or on behalf of an associate firm represented by them, and the sale by Peter Meyns & Co. of 30 metric tons of United States origin Gilsonite for approximately \$4,000.

4. In accordance with the terms of said contract and on the instructions of respondents, Peter Meyns & Co., on or about the 7th day of June 1956, shipped the said 30 tons of Gilsonite to Shanghai, China, without authorization of any United States export license. (Peter Meyns & Co. has been denied all United States export privileges so long as export controls shall be in effect, pursuant to orders issued by the Bureau of Foreign Commerce, 21 F.R. 2415, Apr. 13, 1956, and 24 F.R. 742, Feb. 3, 1959.)

5. As a result of negotiations theretofore conducted, the respondents, on or about the 30th day of July 1956, entered into a contract with Peter Meyns & Co. of Hamburg, Germany, for the purchase by them, either on their own behalf or on behalf of an associate firm represented by them, and the sale by Peter Meyns & Co. of 34 metric tons of United States origin Gilsonite for approximately \$4,200.

6. In accordance with the terms of said contract and on the instructions of respondents, Peter Meyns & Co., on or about the 29th day of September 1956, shipped the said 34 tons of Gilsonite to Shanghai, China, without authorization of any United States export license.

7. As a result of negotiations theretofore conducted, the respondents, on or about the 28th day of November 1956, entered into a contract with Peter Meyns & Co. of Hamburg, Germany, for the purchase by them, either on their own behalf or on behalf of an associate firm represented by them, and the sale by Peter Meyns & Co. of 20 metric tons of United States origin Gilsonite for approximately \$2,500.

8. In accordance with the terms of said contract and on the instructions of respondents, Peter Meyns & Co., on or about the 23d day of January 1957, shipped the said 20 tons of Gilsonite to Shanghai, China, without authorization of any United States export license.

And, from the foregoing, I have concluded that, in violation of § 381.2 of the Export Regulations, the respondents caused, induced, and procured the transshipment and diversion (in violation of § 381.6 of said regulations) of commodities to Communist China, contrary to the terms of the export documents, regulations, and licenses under which they had been exported from the United States.

In his report, the Compliance Commissioner said:

The respondents, in their answer, admit that the goods described in the charging letter were purchased from Peter Meyns & Co. of Hamburg, Germany, that they knew that the laws of the United States prohibited the delivery of goods exported from the United States to Communist China unless specifically authorized, and that the goods described in the charging letter actually were shipped to Communist China. They deny that they were the actual purchasers of the goods and assert that they had acted as com-



mission agent for a firm, Gibson Hong, which was the actual purchaser and which caused the goods to be shipped to Communist China. They assert further that, inasmuch as the goods had been exported from Germany (after delivery there from the United States) pursuant to a ZAK license issued by the Government of Germany, which, in turn, was part of COCOM, that such official permission rendered the shipment to China legal. Further, they allege that, inasmuch as the destination control clause, with which they were familiar, always contained the words, "unless otherwise authorized by the United States," the exportation by Peter Meyns pursuant to "a special ZAK license" must have been "otherwise authorized" by the United States or by an agency representing the United States. Finally, they claim that Gilsonite has no strategic value and, at the time of shipment, was not included "in the embargo list." Such goods, they say, have been shipped from Macao to China from time to time under special permits granted by the Macao Government "and with the probable approval of the U.S. Consulate-General." They protest that, if such be the case, their participation in the Gilsonite transactions should not be singled out as an offense.

\*\*\* [T]he respondents, when they arranged the sales and shipments, did so with the express intention that these goods, known to them to be United States origin goods, be shipped directly to Communist China. The evidence shows also that Gibson Hong is an associate firm of the respondent Agencia Comercial "Progreso". [The] evidence persuades me to believe, without the slightest doubt, that the respondents engaged with Peter Meyns & Co. in devious plans and schemes to further and accomplish shipments to Communist China of goods exported from the United States, for the express purpose of evading and violating the United States prohibitions against the shipment of such goods to Communist China. \*\*\*

\*\*\* Considering the intimate knowledge which respondents had of United States export controls and the devices to which they resorted to evade those controls, I cannot believe that they were ever under the impression that a ZAK license was equivalent to United States authorization for exportation to Communist China. Nor can I believe, either, that any reasonable person, with the experience and background which the respondents had, could have the sincere impression that a re-export under a special ZAK license was the alternative authorization theoretically possible under the proviso in the conventional destination control clause. If, in fact, the respondents saw, as they say they did, that United States commodities were re-exported or shipped from time to time from Macao to China under special permits granted by the Macao Government, that would be no reason for them to conclude that such transshipments had been approved by the United States Government. Respondents, however, are not so naive as to claim that such alleged transshipments had been approved by the United States Government, and so they say only that the alleged transshipments were "with the probable approval of the U.S. Consulate-General." \*\*\*

[This was denied by the Consulate General.]

For completeness, I mention three additional points made in the answer. The first is that COCOM is an international body under the strict supervision and control of United States personnel. This utter nonsense requires no comment from me. The second is that respondents are more interested in United States trade than they are in China trade. That is why they submitted their answer, even though the submission thereof could jeopardize their position in trading with China. Superficially, a statement like this has some persuasive value

but, in the light of Government Exhibit 1, I would be inclined to conclude that the interest which respondents have in trade with the United States is stimulated by their desire to divert to Communist China the commodities so obtained. Finally, the respondents claim that their role in the purchases and transshipments was merely that of agents. The law is and always has been "that an 'agent, because he is agent, does not cease to be answerable for his acts.'" (Quoted by the United States Supreme Court, in *Herd v. Krawill Machinery Corp.*, 359 U.S. 297, 304, Apr. 20, 1959, from *Sloan Shipyards Corp. v. Emergency Fleet Corp.*, 258 U.S. 549, 567). \*\*\*

\*\*\* Respondents' activities in matters concerned with and involving trade with the Communist Chinese have been such as to require that they be denied export privileges so long as export controls shall be in effect. That is my recommendation, and I submit herewith for your consideration an order to that effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents, Agencia Comercial "Progreso" (ACP) or Stanley Ho, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and so long as export controls shall be in effect, the said respondents, their officers, agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of

Foreign Commerce, shall, on behalf of or in any association with either respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which either respondent may have any interest of any kind or nature, direct or indirect.

Dated: August 4, 1959.

JOHN C. BORTON,  
Director,  
Office of Export Supply.

[F.R. Doc. 59-6519; Filed, Aug. 6, 1959; 8:49 a.m.]

### Federal Maritime Board FARRELL SHIPPING CO., INC., AND T. A. PROVENCE AND CO.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8394, between Farrell Shipping Co., Inc., New Orleans, La. and T. A. Provence and Company, Mobile, Ala., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 4, 1959.

By order of the Federal Maritime Board.

JAMES L. FIMPER,  
Secretary.

[F.R. Doc. 59-6509; Filed, Aug. 6, 1959; 8:47 a.m.]

### MISSISSIPPI SHIPPING CO. ET AL.

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7644-3, between Mississippi Shipping Company, Inc., and Waterman Steamship Corporation of

Puerto Rico, modifies, as indicated below, approved Agreement No. 7644, as amended, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transshipment at New Orleans or Mobile;

(2) Agreement No. 7651-2, between Mississippi Shipping Company, Inc., and Lykes Bros. Steamship Co., Inc., modifies, as indicated below, approved Agreement No. 7651, as amended, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transshipment at Houston or Galveston; and

(3) Agreement No. 7824-1, between Mississippi Shipping Company, Inc., and Alcoa Steamship Company, Inc., modifies, as indicated below, approved Agreement No. 7824, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transshipment at New Orleans or Mobile.

These modifications provide (1) that the through rates and expenses of transshipment shall be apportioned 60 per cent to the initial carrier and 40 per cent to the West Indies carrier, and (2) for a net minimum proportion of the through rates to the West Indies carrier of \$18.00 per ton to the West Indies carrier, under the respective agreements. Each agreement presently provides that the through rates and expenses of transshipment shall be apportioned on the basis of 50 per cent to each party thereto, and for a net minimum of the through rate to the West Indies carrier of \$14.00 per ton.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval or modification, together with request for hearing should such hearing be desired.

Dated: August 4, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-6510; Filed, Aug. 6, 1959; 8:47 a.m.]

Office of Secretary  
HOWARD C. HOLMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

- A. Deletions: No change.  
B. Additions: No change.

This statement is made as of July 29, 1959.

HOWARD C. HOLMES.

JULY 29, 1959.

[F.R. Doc. 59-6523; Filed, Aug. 6, 1959; 8:49 a.m.]

LUTHER L. SMITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

- A. Deletions: General Telephone.  
B. Additions: None.

This statement is made as of July 27, 1959.

LUTHER L. SMITH.

JULY 28, 1959.

[F.R. Doc. 59-6524; Filed, Aug. 6, 1959; 8:49 a.m.]

TARIFF COMMISSION  
IMPORTS OF LEAD AND ZINC  
Notice of Study

AUGUST 4, 1959.

Since October 1, 1958, absolute import quotas on "unmanufactured" lead and zinc have been in effect. The quotas were imposed by Presidential proclamation following an "escape clause" investigation by the United States Tariff Commission.

There have been reports from various sources that since the quotas on unmanufactured lead and zinc were put into effect rapidly rising imports of lead and zinc products, said to be attributable primarily to the existence of the quotas on unmanufactured lead and zinc, are rendering the quotas on unmanufactured lead and zinc ineffective.

With a view to ascertaining the facts, the Tariff Commission has, on its own motion, initiated a study, under the authority of section 332 of the Tariff Act of 1930, of the trend of imports of various lead and zinc products not subject to the quota restrictions, and will issue a report on the results of this study as soon as the study is completed.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 59-6527; Filed, Aug. 6, 1959; 8:50 a.m.]

INTERSTATE COMMERCE  
COMMISSION

[Notice 163]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

AUGUST 4, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61863. By order of July 31, 1959, the Transfer Board approved the transfer to Jacobsen Bros., Inc., Silverton, Oregon, of the operating rights in Permits Nos. MC 115641, MC 115641 Sub 1, MC 115641 Sub 2, and MC 115641 Sub 3, issued July 19, 1959, November 13, 1957, June 25, 1959, and October 27, 1958 to Roy Jacobsen and W. C. Jacobsen, a partnership, doing business as Jacobsen Bros., Silverton, Oregon, authorizing the transportation of lumber, over irregular routes, from and to specified points in Oregon, Idaho, Utah, Colorado, Wyoming, Arizona, Nevada, Washington and New Mexico. The Transfer Board also approved the substitution of Jacobsen Bros., Inc. as respondent in Docket No. MC 115641 Sub 4. John M. Hickson, Failing Building, Portland, Oreg., for applicants.

No. MC-FC 62225. By order of July 31, 1959, the Transfer Board approved the transfer to John Oscar Shuford, doing business as Jack Shuford Trucking, 218 East Congress St., Lincolnton, N.C. of Certificates Nos. MC 74118 and MC 74118 Sub 1, issued May 12, 1942 and September 1, 1939, respectively, to Mrs. J. O. Shuford, doing business as Jack Shuford's Trucking, 202 East Congress Street, Lincolnton, N.C., authorizing the transportation of: New oil stoves, new beds, new bed springs, new linoleum rugs, and new floor covering, from New York, N.Y., to Goldsboro and Charlotte, N.C.; new furniture, from Lincolnton, N.C., to Philadelphia, Pa., New York, N.Y., and Paterson and Newark, N.J., from Lenoir, N.C., to New York, N.Y., from New York, N.Y., to Philadelphia, Pa., Baltimore, Md., and Washington, D.C.; linoleum rugs and floor coverings, from Marcus Hook, Pa., to Goldsboro and Charlotte, N.C.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Lincolnton, N.C., on the one hand, and, on the other, New York, N.Y.; and antique furniture, and used household, office and store furniture and fixtures, from New York, N.Y., Newark and Montclair, N.J., and Philadelphia, Pa., to points in Virginia, North Carolina, and South Carolina.

No. MC-FC 62281. By order of July 31, 1959, the Transfer Board approved the transfer to Herbert E. Brooks, doing business as Planet Trucking, Wexford, Pa., of Certificates in Nos. MC 13026, MC 13026 Sub 1, and MC 13026 Sub 6, issued March 5, 1956, October 1, 1956, and May 17, 1957, respectively, to Arthur A. Freda, doing business as Freda's Trucking Company, Braddock, Pa., authorizing

the transportation of: *Brick, tile, damaged shipments, building supplies and construction materials, scrap metals, burlap, rope, and stone*, from, to, or between specified points in Pennsylvania, Ohio, West Virginia, and Maryland.

No. MC-FC 62296. By order of July 31, 1959, the Transfer Board approved the transfer to Willamette Valley Transfer Co., a corporation, Portland, Oreg.; of Certificate in No. MC 44914, issued November 16, 1940, to R. R. Bailey, doing business as Willamette Valley Transfer Co., Portland, Oreg.; authorizing the transportation of: *General commodities*, excepting household goods, commodities in bulk, and the other usual exceptions, between Portland, Oreg.; and Dallas, Oreg. Norman E. Sutherland, 1100 Jackson Tower, Portland, Oreg., for applicants.

No. MC-FC 62304. By order of July 31, 1959, the Transfer Board approved the transfer to Johnston Truck Line, Inc., Lonejack, Mo., of Certificate in No. MC 1265, issued November 22, 1957, to Luther Johnston, doing business as Johnston Truck Line, Lonejack, Mo., authorizing the transportation of: *Livestock* from Lonejack, Mo., to Kansas City, Kans., and *general commodities*, with the usual exceptions including household goods and commodities in bulk, from Kansas City, Kans., to Lonejack, Mo. Sol M. Yarowsky, 504 Commerce Building, Kansas City, Mo., for applicants.

No. MC-FC 62426. By order of July 31, 1959, the Transfer Board approved the transfer to George F. Meyer, doing business as Rabe Brothers, Richmond Hill, New York, of a Certificate in No. MC 75488, issued May 7, 1958, to Walter

Rabe, Walter Charles Rabe, executor, doing business as Rabe Brothers, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia. Irving Abrams, Brodsky and Lieberman, 1776 Broadway, New York 19, New York, for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-6508; Filed, Aug. 6, 1959;  
8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—AUGUST

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